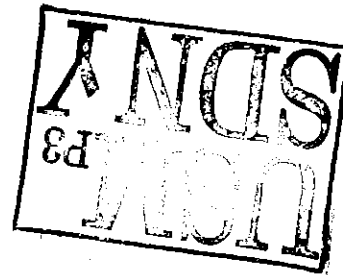
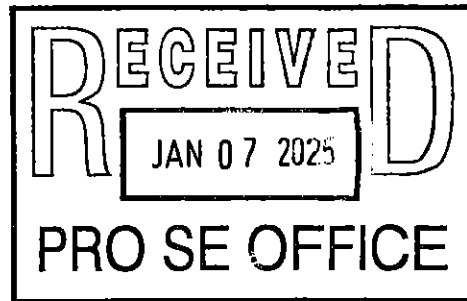


ERICA FEBRIANTI^o

PRO SE UNIT 500 Pearls
STREET

23 CV 06175 New York, NY
10007

Amended Complaint



RECEIVED
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

2025 JAN -6 PM 11:48
U.S. DISTRICT COURT SDNY

ERICA FEBRIANTI

Amendment

Write the full name of each plaintiff.

23 cv 06175

(Include case number if one has been assigned)

-against-

Do you want a jury trial?

☐ Yes ☒ No

NYC HEALTH+HOSPITALS

NYPD

No Jury trial

Write the full name of each defendant. The names listed above must be identical to those contained in Section I.

EMPLOYMENT DISCRIMINATION COMPLAINT

NOTICE

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Federal Rule of Civil Procedure 5.2.

I. PARTIES**A. Plaintiff Information**

Provide the following information for each plaintiff named in the complaint. Attach additional pages if needed.

| | | |
|---------------------|-----------------------------------|------------------|
| <u>ERICA</u> | <u></u> | <u>FEBRIANTI</u> |
| First Name | Middle Initial | Last Name |
| <u>HOMELESS</u> | | |
| Street Address | | |
| <u></u> | | |
| <u>929-615-1758</u> | <u></u> | <u></u> |
| County, City | State | Zip Code |
| <u>929-615-1758</u> | <u>ericaFebrianti60@gmail.com</u> | |
| Telephone Number | Email Address (if available) | |

B. Defendant Information

To the best of your ability, provide addresses where each defendant may be served. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are the same as those listed in the caption. (Proper defendants under employment discrimination statutes are usually employers, labor organizations, or employment agencies.) Attach additional pages if needed.

| | |
|--------------|--|
| Defendant 1: | <u>NYC HEALTH + HOSPITALS</u> |
| | Name |
| | <u>100 Church Street</u> |
| | Address where defendant may be served |
| | <u>New York</u> <u>NY</u> <u>10038</u> |
| | County, City State Zip Code |
| Defendant 2: | <u>NYPD</u> |
| | Name |
| | <u>100 Church Street</u> |
| | Address where defendant may be served |
| | <u>New York</u> <u>NY</u> <u>10038</u> |
| | County, City State Zip Code |

Defendant 3:

Name

Address where defendant may be served

County, City

State

Zip Code

II. PLACE OF EMPLOYMENT

The address at which I was employed or sought employment by the defendant(s) is:

~~1901~~ METROPOLITAN HOSPITAL

Name

1901 1ST AVE

Address

New York

NY

10029

County, City

State

Zip Code

III. CAUSE OF ACTION**A. Federal Claims**

This employment discrimination lawsuit is brought under (check only the options below that apply in your case):

- ☒ **Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e to 2000e-17, for employment discrimination on the basis of race, color, religion, sex, or national origin**

The defendant discriminated against me because of my (check only those that apply and explain):

☒ race:~~INDONESIAN~~ ^{NYPD DISCRIMINATION} AMERICAN☐ color:☒ religion:

ISLAM

☒ sex:

Female

☐ national origin:

- ☐ 42 U.S.C. § 1981, for intentional employment discrimination on the basis of race

My race is: _____

- ☒ **Age Discrimination in Employment Act of 1967**, 29 U.S.C. §§ 621 to 634, for employment discrimination on the basis of age (40 or older)

I was born in the year: 1974

- ☐ **Rehabilitation Act of 1973**, 29 U.S.C. §§ 701 to 796, for employment discrimination on the basis of a disability by an employer that constitutes a program or activity receiving federal financial assistance

My disability or perceived disability is: _____

- ☒ **Americans with Disabilities Act of 1990**, 42 U.S.C. §§ 12101 to 12213, for employment discrimination on the basis of a disability

My disability or perceived disability is: My Prayer Struggle to be accommodated made me unable to request bathroom accommodation under ADA

- ☐ **Family and Medical Leave Act of 1993**, 29 U.S.C. §§ 2601 to 2654, for employment discrimination on the basis of leave for qualified medical or family reasons Prediabetic Condition

B. Other Claims

In addition to my federal claims listed above, I assert claims under:

- ☒ **New York State Human Rights Law**, N.Y. Exec. Law §§ 290 to 297, for employment discrimination on the basis of age, race, creed, color, national origin, sexual orientation, military status, sex, disability, predisposing genetic characteristics, marital status
- ☒ **New York City Human Rights Law**, N.Y. City Admin. Code §§ 8-101 to 131, for employment discrimination on the basis of actual or perceived age, race, creed, color, national origin, gender, disability, marital status, partnership status, sexual orientation, alienage, citizenship status
- ☒ Other (may include other relevant federal, state, city, or county law):

All the laws.

IV. STATEMENT OF CLAIM

A. Adverse Employment Action

The defendant or defendants in this case took the following adverse employment actions against me (check only those that apply):

- ☒ did not hire me
- ☒ terminated my employment
- ☒ did not promote me (UnFair Working Condition, No rotating job assignment)
- ☒ did not accommodate my disability (Prediabetic Condition Not able to be Accomodated "But For" MY PRAYER NOT ACCOMODATED)
- ☒ provided me with terms and conditions of employment different from those of similar employees
- ☒ retaliated against me
- ☒ harassed me or created a hostile work environment
- ☒ other (specify): RESPONDENT GIVING more OPPORTUNITY TO The new younger OFFICERS were treated better in terms and conditions of the Employment

B. Facts

State here the facts that support your claim. Attach additional pages if needed. You should explain what actions defendants took (or failed to take) *because of* your protected characteristic, such as your race, disability, age, or religion. Include times and locations, if possible. State whether defendants are continuing to commit these acts against you.

See Attachment

As additional support for your claim, you may attach any charge of discrimination that you filed with the U.S. Equal Employment Opportunity Commission, the New York State Division of Human Rights, the New York City Commission on Human Rights, or any other government agency.

RECEIVED

JAN -6 2024
S DISTRICT COURT SDNY

I strongly believed my protected activity at NYC health+Hospital made me denied to filled the police report twice. the first one was NYPD eviction complaint on September 19, 2024 and the second complaint I was refuse to filed the hate Islamophobic complaint(August 24, 2024).

I got 26(F) phone conference with Mr. Rodalton Pole On September 19, 2024 at 11:00 am to discussed the Schedule Order and Management Plan and on the same night I send email to Department Human Rights to add August 24, 2024 additional complaint of sexual harassment complaint to Department Human rights against Department Homeless Shelter and the same night I did not allowed back to the shelter and I called 911 operator to report about my eviction from the shelter and the 911 operator said "there is nothing we can do". I called the NYPD second time but no body came I was force to stay on the street against my free will because of protected activity.

NYPD refuse me to filled the complaint because my race, religion and my protected activity of having lawsuits against NYCHHealth+Hospitals, refuse to hired Hospital Care Investigator (List 586) because filled internal religious complaints at NYCHHealth+Hospitals, Refuse to hired as HCI(list 586) because of my defective lawsuit 2016 at Southern District Court against Starwood worldwide when NYC Health +Hospitals use the same tactics of discharged as Starwood worldwide when I was constructive discharged first and terminated letter send in the email and the Investigation during periods of constructive discharged and termination letter sent in the mail to cover constructive discharged.

I had 2 occasional incident refusal to filled police report which I believed because my protected activity NYPD officers has refused me to filled the complaint. The first complaint was on August 24, 2024 when I received islamophobic slur incident from black lady in my shelter when NYPD came to my shelter and refused me to filled the complaint because of my protected activity and they said "why you called us instead calling them ". NYPD has put Islamophobic complaint slightly by refused me to filled the complaint. The second complaint was in September 19, 2024 on the day I was evicted for the shelter and I called 911 to report eviction and the 911 operator said there's nothing we can do.

NYPD Race Profiling, retaliation of filling CCRB complaint , Discrimination Based on my race, Religion and my protected activity

I had 2 occasional incident refusal to filled police report which I believed of retaliation because my protected activity of having lawsuit against the city (NYC Health+Hospitals and DHS) and leading to Racial Profiling Discrimination when NYPD officers has refused my rights to filled the hate Islamophobic complaint(August 24,2024) and The Eviction Complaint on September 19, 2024 .

The first complaint was on August 24, 2024 when I want to filled the hate Islamophobic slur Complaint incident from black lady in my shelter when NYPD came to my shelter and refused me to filled the complaint because of my protected activity and they said "why you called us instead calling them ". NYPD has put Islamophobic complaint slightly by refused me to filled the complaint. The second complaint was in September 19, 2024 on the day I was evicted for the shelter and I called 911 to report eviction and the 911 operator said there's nothing we can do.

NYPD DISCRIMIINATION REFUSE ME TO FILLED THE POLICE REPORT TWICE ON AUGUST 24, 2024(HATE ISLAMOPHOBIC COMPLAINT) AND SEPTEMBER 19, 2024 (EVICTION COMPLAINT) "BUT FOR" of Racial Profiling "But For" the way I was dress represent my religion as Muslim HIJAB woman and NYPD has take my Islamophobic complaint slightly because of My race as Naturalize Citizen Indonesian American V the Islamophobic Lady is Black American , NYPD OFFICERS judge me FROM THE WAY I WAS DRESS as hijabi muslim woman and refuse the service (to filled HATE ISLAMOPHOHBIC police reports complaint) because the color of my skin and my religious belief as Muslim woman and Islam as My religion and My protected activity of having lawsuit against the city(NYC Health+Hospital and DHS) AND I FILLED THE CCRB COMPLAINT ON SEPTEMBER 2024 WHEN I REPORT THE NYPD OFFICERS MISCONDUCT who refused me to filled the complaint to CCRB AND CCRB conducted INVESTIGATION ON SEPTEMBER 13, 2024 ALSO REFUSE ME TO FILLED THE DISCRIMINATION COMPLAINT ON OFFICERS WHO REFUSE to filled a police report on MY HATE ISLAMOPHOBIC COMPLAINT WHEN THE HATE ISLAMOPHOBIC COMPLAINT WAS HANDLE SLIGHTLY by the officers AND UNDERESTIMATED THE HATE OF ISLAMOPHOBIC COMPLAINT was not a big thing or less important and repeated again when I was denied to filled the eviction complaint on September 19, 2024 when I was evicted from my own bed and denied entry to my bed and denied rights to shelter when I was evicted from my own bed which denied entry to my own bed and not consider "public place" as qualified as "dwelling" under "king castle" doctrine which NYPD should allowed me to filled NYPD eviction report.

NYPD Officers refuse me to filled the Islamophobic complaint, denied my rights to filled hate Islamophobic complaint and said: On August 24, 2024:

"why you called us except calling them"

NYPD refused me to filled the eviction complaint again repeated again on September 19, 2024 when I called 911 to report my eviction and I am not sure the 911 operators asked

my name after and refuse the eviction called when I mentioned my name and my address and she said "there is nothing we can do" and I called again one more time the ring tone was ringing twice and I believed my number was forward to another Supervisors on duty and the guy was picking up the phone and nobody came no phone call and I was force stay on the street. I believed my rights had been violated because of my protected activity of having lawsuit against the city(NYC Health+Hospital and Department of Homeless services) which leading to discrimination base on my race, Indonesian American and My religious, Islam and My protected Activity of filling discrimination against the city(Nyc Health+Hospitals and Department of Homeless services).

CCRB Investigation: On September 13, 2024 : also refuse my Islamophobic complaint by refusing discussing the subject matter of Race and Religion Discrimination by refused to discuss the officers misconducts on August 24, 2024 and Both Officers take my Islamophobic slightly.

I want to filled the complaint against the hate Islamophobic lady but the officers refused me to filled Islamophobic complaint. The officers should not discriminated who should allowed to filled the complaint because I filled my taxes too like others but the officers look down on me because of my race and religion. Both officers racist because of my race and my religion and retaliation

I WANT TO AMMEND THE COMPLAINT WITH CONDITIONS as my original complaint with NYC health+ Hospitals are remained the same **ONLY TO ADD NYPD AS DEFENDANT DISCRIMINATED AGAINST MY RACE, INDONESIAN AMERICAN V ISLAMOPHOBIC HARRASER LADY IS BLACK AMERICAN**, NYPD officers who refuse my complaint has motive on racial profiling by refuse me to filled Islamophobic complaint.

RELIGION: ISLAM

MY PROTECTED ACTIVITY: HAVING LAWSUIT AGAINST THE CITY(NYC HEALTH+HOSPITAL AND DHS (DEPARTMENT OF HOMELESS SERVICES)

MY PROTECTED ACTIVITY : RETALIATION OF REPORT OF MISCONDUCT OFFICERS to CCRB for NYPD officers WHO REFUSE ME TO FILLED ISLAMOPHOBIC COMPLAINT AND "but for" CCRB COMPLAINT and my protected activity made the NYPD REFUSE ME again TO FILLED THE EVICTION COMPLAINT ON SEPTEMBER 19, 2024 AS ACT RETALIATION WHEN I REPORTED "BUT FOR" FILLING CCRB COMPLAINT on September 2024 (REPORTED THE NYPD OFFICERS MISCONDUCT OF REFUSE ME TO FILLED MY ISLAMOPHOBIC COMPLAINT ON AUGUST 24, 2024 INCIDENT DUE discrimination based on my RACE, RELIGION AND PROTECTED ACTIVITY OF HAVING LAWSUIT AGAINST THE CITY, (NYC HEALTH+HOSPITAL AND DHS) ON SEPTEMBER 2024 AND CCRB INVESTIGATION REFUSE MY RACE, RELIGION DISCRIMINATION COMPLAINT ON SEPTEMBER 13, 2024 HAS CAUSE ME REFUSED TO FILLED THE EVICTION COMPLAINT ON SEPTEMBER 19, 2024 AND HAS CAUSE ME LOSE RIGHTS TO SHELTER AND I HAVE TO STAY ON THE STREET .

NYPD officers who refuse me Islamophobic complaint and to filled eviction police report was "but for" racial profiling because of my race: Indonesian American V Islamophobic

harraser lady, Black American , Religion: Islam from the way I was dress represent my religion Islam and my protected activity of having lawsuit against the city(NYC Health+hospital and DHS).

According Dondre Bailey(Shelter Employee) the both police officers spoke to the Islamophobic harasser lady and the officers let her go. Dondre bailey also said the police officers not going upstairs on August 24, 2024 and when I went downstairs officers was scolding me "why you called us except calling them" by refuse to filled Islamophobic complaint because the officers look down on my religion and take my Islamophobic complaint slightly and consider of racial profiling because I am as Naturalize citizen as Indonesian American and the black Islamophobic lady as Black American. I believe I was refuse to filled the complaint because of race profiling and the officers look down on me as Muslim and my skin color because the way I was dress represent my religion as Muslim hijabi woman and from the way I looks I was represent foreigner to the officers.

"but for"(SEE EXHIBIT CCRB INVESTIGATION) I report the NYPD officers misconduct to CCRB on September 2024 regarding the incident on August 24,2024 (refused to filled islamophobic complaint and CCRB conducting the investigation on September 13, 2024 and has cause me refused to filed eviction police report again on September 19, 2024 "but for" my protected activity of filling CCRB complaint in September 2024 and protected activity of having lawsuit against the city(NYC Health+hospital and DHS) has caused me denied rights to shelter when I was evicted from my own bed which not consider "public place" as qualified as "dwelling"under "king castle"doctrine which NYPD should allowed me to filled NYPD eviction report.

I WILL ADD NYPD(New York Police Department) **NOT DHS** (Department of Homeless Services)TO THE COMPLAINT AND WITH CONDITIONS ALL NYC HEALTH+ HOSPITAL ORIGINAL COMPLAINT WAS REMAIN THE SAME NOTHING CHANGES.

I WANT TO AMMEND THE COMPLAINT WITH THE CONDITIONS THAT MY ORIGINAL COMPLAINT WITH NYC Health+Hospitals was remained the same and THE RESPONDENT, NYC HEALTH+ HOSPITALS, **CANNOT CHANGE THE POSITION STATEMENT EEOC STATEMENT WHICH ALMOST ALL THE EEOC POSITION STATEMENT WAS SIMILAR WITH DEFECTIVE CASE JUDGE FURMAN STATEMENT IN STARWOOD WORLDWIDE WITHOUT ANY PROVED.**

I WANT TO AMMEND THE COMPLAINT WITH CONDITIONS THAT, NYC HEALTH+HOSPITALS THE DEFENSE COUNSEL, CANNOT CHANGE HIS STATEMENT ON OCTOBER 2, 2024 SAID VERBALLY TO THE COURT THAT MY TERMINATION ON APRIL 12, 2024 WAS RELATED TO MY NEGATIVE WORKING PERFORMANCE **"BUT FOR"** ACCORDING TO CITY OF NEW YORK I WAS QUALIFIED FOR THE JOB (**SEE EXHIBIT TACTICAL BATON CERTIFICATION**)

"BUT FOR" THE DISCREPANCIES OF MY NEGATIVE WORKING PERFORMANCE" DUE TO "PROXIMITIVE CAUSE" OF ACCORDING TO LADY'S STATEMENT THE HOSPITAL POLICE DEPARTMENT WAS FACING AGING ADVERSE HOSPITAL POLICE DEPARTMENT ACTION (SEE EXHIBIT EEOC(0), PAGE 5-6, LIST NO. 12) INDICATED THE SAME TIME FRAME of Officer Day, E was retired(See Exhibit T, Police Memo Books) OF MY TRAINING AT NYC HEALTH+HOSPITALS WAS DIFFER THAN THE YOUNGER NEW OFFICERS AND I WAS LEFT BEHIND BY THE YOUNGER NEW OFFICERS because I am

older new officers which on the same time frame I was refused the bathroom accommodation which leading to **ADA Discrimination**(See Exhibit the doctor said I got prediabetes) in December 2021-April 9, 2022 which "but for" my prayer accommodation was struggling to be accommodated made me reluctant to request bathroom accommodation under **ADA**(Prediabetic) because my prayer is my everything if my prayer did not accommodated I cannot work there (See Exhibit Doctor said I got prediabetes), Health Condition(See Exhibit Urinary Tract Infection) "the but for" correlations of holding the bathroom and premeditated of Undue Hardship after filling internal religious complaint(See Exhibit A, B, C, F and Exhibit N-2) which leading to my constructive Discharge ON RELIGION DISCRIMINATION (See Exhibit L-3) AND refused to hired as per filling internal religious complaint to the highest position at NYC Health+hospital hospital administration WHICH I BELIEVED BECAUSE I ASKED QUESTION TO CEO OPERATION of NYC Health+Hospitals , MICHELE FIGUEROA and the Director of Operation of NYC Health+Hospitals, John Muniz which both of these person was the top high of NYC Health+Hospitals administration which very easy for them to inform to the recruiter of Hospital Care Investigator List : 604 not to hired me because of filling the internal complaint religion discrimination by not sending the "onboarding package" of HCI, List :604 and on my email (See Exhibit L-3) when I was asking question to CEO operation "if my prayer time conflict with Hospital police operation" she said my case will refereed to EEO officer and when EEO officer and my voice limited when the

THE LADY STATEMENT in the same time frame of i was left behind when my training was differ with the younger new officer REGARDING OLDER OFFICER WHO CAUSE "ADVERSE THE HOSPITAL POLICE ACTION" BECAUSE OF HER AGING , THE SAME TIME FRAME ON HER(Officer Day, E TRANSITION TO RETIRED AND THE DEPARTMENT 'PAUSE MY TRAINING AND STARTED ASSIGNED ME AT POST 4 MAIN LOBBY WITH DIFFICULTY OF PRAYER & BATHROOM ACCOMODATION MENTIONED:

THERE'S ANOTHER LADY WHO USED TO WORK AT POST 4 MAIN LOBBY SHE WAS OLD AND SHE CALLED SICK ALOTS AND THE DEPARTMENT CAN'T WAIT FOR HER TO RETIRED

See Exhibit CCRB INVESTIGATION) NYPD is public servant and I am the tax payer regardless of my race, religion and protected activity of reporting the NYPD officers misconduct Investigation On September 13, 2024 I supposed to have equal rights to able to filled the police reports.

NYC Health+hospitals, Department of Homeless Services and NYPD (CCRB) defense counsel located at the same location at 100 church street, New York, NY 10038 and definitely all the incident which happened was considered under protected activity.

NYPD should apply to everyone regardless their religion, race and protected activity and it's 2 times NYPD refuse me my rights as tax payer to filled police report and I supposed treated equally in the eyes of Law and received equal rights in society.

I was refuse to filled Islamophobic police report on August 24, 2024 because of protected activity which leading to race profiling discrimination based on my race and my religion and the second time I was refuse to filled the eviction of NYPD police report

on September 19, 2024 "but for" I was filled the discrimination CCRB complaint on September 2024 which CCRB located the same location as per defense counsel Rodalton Poole at 100 Church Street, New York, NY 10038(See Exhibit CCRB investigation) conducted on September 13, 2024.

I pay my taxes last year for \$350 in the year 2023 for this reason NYPD is public servant because their salary at least from accumulated tax payments to the city and I am the one of tax payers.

"But For" the CCRB investigation on September 13, 2024 I filled the CCRB complaint On September 2024 and now I was refused the benefit of NYPD protection from being evicted from the shelter

(See Exhibit SGT Paulson Statement) But for" I filled CCRB complaint on NYPD conducted investigation on September 13, 2024 has cause me NYPD refuse me to filled eviction complaint again On September 19, 2024 and now I stay on the street and the most important point regardless what happened in Department of Homeless Services, NYPD should not retaliate on **September 13, 2024 CCRB investigation** because of my protected activity of having lawsuit at NYC health+hospitals and Department of Homeless Services by let me stay on the street because NYPD should protecting me under the law of **king castle doctrine** I should be protected from being evicted from **my own bed** which is **not be accessible to public space** and **my own bed located in the room with the secure door** not on the street and I have **locked in my locker** which considered **private dwelling not accessible to public** or and **kings castle law should apply to my bed** because according budget letter HRA the shelter received approximately **\$ 800 or \$600 per month** for me to live there. I had my living life creature fish on top my locker probably dead by now .

NYPD DISCRIMINATION(REFUSE TO FILLED THE POLICE REPORTS OF HATE ISLAMOPHOBIC COMPLAINT) BASED ON MY RACE, INDONESIAN AMERICAN VERSES ISLAMOPHOBIC HARRASER LADY BELONG TO BLACK AMERICAN RACE , RELIGION: MUSLIM, RETALIAITON : MY PROTECTED ACTIVITY OF FILLED THE DISCRIMINATION COMPLAINT AGAINST (NYC HEALTH+HOSPITALS AND DHS) AND RETALIATION OF FILLING OF CCRB COMPLAINT ON SEPTEMBER 2024 AND HAS CAUSE ME I WAS REFUSE TO FILLED THE EVICTION COMPLAINT ON SEPTEMBER 19, 2024 AND CAUSED ME DENIED RIGHTS TO SHELTER AND HAS CAUSE ME SEVERE LIFE EXPERIENCE OF LIVING ON THE STREET

"BUT FOR" REPORTED THE DISCRIMINATION COMPLAINT BASED ON **MY RACE AND RELIGION** TO CCRB, NYPD ON **SEPTEMBER 2024** WHICH THE DISCRIMINATION HAS OCCURRED WHEN NYPD OFFICERS MISCONDUCT OF REFUSED ME TO FILLED ISLAMOPHOBIC COMPLAINT **ON AUGUST 24, 2024.**

"BUT FOR" I FILLED THE DISCRIMINATION COMPLAINT BASED ON MY RACE AND RELIGION, CCRB NYPD HAS CONDUCTED INVESTIGATION ON **SEPTEMBER 13, 2024 (SEE EXHIBIT CCRB INVESTIGATION)** WHICH THE INVESTIGATOR, SGT PAULSON DID NOT ADDRESS THE ISLAMOPHOBIC COMPLAINT SERIOUSLY INSTEAD THE CCRB INVESTIGATOR, SGT PAULSON DISCUSSED ABOUT SOMETHING ELSE AND SGT PAULSON AVOID THE SUBJECT MATTER DISCUSSION AND I ASKED HIM IF HE READ MY COMPLAINT AND HE SAID "YES" THE CCRB, INVESTIGATOR TRYING AND FORCE ME VERBALLY TO SWITCH AND TRY TO CHANGE MY WRITTEN **RACE, RELIGION NYPD DISCRIMINATION COMPLAINT** TO SOMETHING ELSE

WHEN I AM ASKING HIM IF HE TOOK MY ISLAMOPHOBIC COMPLAINT SLIGHTLY AND SGT PAULSON SAID I TRY TO PUT WORD ON HIS MOUTH AND THE CONVERSATION GETTING INTENSE UNTIL I CAN HEAR SGT PAULSON ANNOYING BREATH WHEN HE SAID "O MY GOD...AFTER I WAS DISCUSSED ABOUT THE ISLAMOPHOBIC HARRASER LADY PROBABLY THE SAME PERSON WHO ATTACKING ME BY FRANKLYN AVE AND FULTON ST AND ASKED ME IF I FILLED THE POLICE REPORT ON THAT AND I SAID "NO" AND HE SAID I MUST GO TO PRECINT 1 BUT THIS CASE WAS RELATED TO THE SUBJECT MATTER OF THE PROBABLE THE SAME PERSON ATTEMPTED TO ATTACKING ON ISLAMOPHOBIC HARRASER AT THE SHELTER WHICH I BELIEVED WAS THE SAME PERSON WHO SHOUTED ME THE ISLAMOPHOBIC SLUR IN THE SHELTER AND THE ISLAMOPHOBIC ATTACK IN BROOKLYN BY THREW ME PHONE ON MY FACE IN BROOKLYN BETWEEN FRANKLYN AVE AND FULTON STREET BUT THE PHONE FELT ON THE FLOOR PRIOR REACH MY FACE BUT SHE WAS ATTEMPTED TO HURT ME BUT CCRB, SGT PAULSON SAID MY CASE WAS CLOSED WITH HIS ANNOYING BREATH MADE ME FELT UNCOMFORTABLE HE PROBABLY RACIST TOO.

I ALSO DISCLOSED AT CCRB ABOUT THE SEXUAL HARRASMENT AGAINST DHS EMPLOYEE, WILLIAMS WILLKINS WHO MADE OFFENSIVE COMMENTS ON MY PERSONAL BODY " I WAS DISCUSSED ABOUT I WAS NEITHER ABLE TO FILLED THE ISLAMOPHOBIC COMPLAINT NEITHER NYPD OR DEPARTMENT OF HOMELESS SERVICES (DHS) AND WHEN I DISCLOSED THE CCRB INVESTIGATOR ABOUT " SEXUAL HARRASMENT" OFFENSIVE COMMENTS FROM THE SHELTER MANAGER, WILLIAM WILLKINS MADE OFFENSIVE COMMENT OF MY PERSONAL BODIES IN ORDER FOR ME TO NOT TO FILLED THE ISLAMOPHOBIC COMPLAINT AGAINST THE BLACK LADY BECAUSE THE SHELTER MANAGER, WILLIAM WILLKINS IS BELONG TO BLACK RACE.

"BUT FOR" CCRB, IAIB NYPD REFUSED MY RACE, RELIGION DISCRIMINATION COMPLAINT ON SEPTEMBER 13, 2024 HAS CAUSED ME REFUSE TO FILLED THE EVICTION COMPLAINT FROM THE SHELTER ON SEPTEMBER 19, 2024 AND CAUSE ME LIVING IN SEVERE CONDITION ON THE STREET.

Department of Homeless services RACE, RELIGION AND SEXUAL HARRASMENT DISCRIMINATION COMPLAINT currently still under investigation by division of Human rights and HUD (Housing Urban Development) unit. THE DHS submit the position statement on May 6, 2024 and May 20, 2024 I submitted the rebuttal statement of DHS position statement.

The hardest living condition and the court should not dismissed my NYPD refused me to filled the eviction complaint on September 19, 2024 as act retaliation of filling CCRB complaint on September 2024 and CCRB investigation on September 13, 2024(See Exhibit CCRB investigation)

Being homeless as woman extremely hard and not easy especially during period and 5 days ago there was power outages on the A train at Jay Street in Brooklyn and the police asked people to go outside the station and for me is not easy because my living and my roof depend on the train and the train is my shelter and without train I don't know where to go and also I was carrying my cart and it was raining outside, I got the headache and hungry too and people rush to go home but for me I got no home and the train is my home. Wallahi , Allah is my witness it's very difficult which especially people who ride the train at night is not regular people and one time one guy came with needle and knife and me and the lady run from these people but these people so weak so I can push him but druggies people sometime they do not think clearly and not sure they might do to me and they probably can do whatever they want sometime. One time I sat by port authority bus terminal but I need to buy new jersey bus ticket

in order to sit there because the seat for bus ticket holder only and one time I was asked to leave by port authority police because she knew I was sleeping at port authority and not taking the bus and I got no choice I took the bus anyway to jersey going no where and when I was getting off bus at jersey it was at midnight at 2:00 am and nobody around at New Jersey and I walked long distance passing the wood and jungle and nobody around I alone at midnight in cold weather carry my cart and one time I was fall to sleep on the last stop of the train when I wake up nobody was around and one time there's man who sit by my side and even though there were many empty seat and he choose to sit close to me. One time when I got up there was a man touching my face and he said he wanted to take me to drink coffee and the point I would like to say please do not dismissed my NYPD complaint because I might be someone else daughter's wife's grandmother and the last sermon of prophet Muhammad peace be upon him said; Be good to your woman which in islam woman is property of Allah which according to the hadith prophet Muhammad peace be upon him said anyone who made women cry they will curse every step they walked in.

The Hadith of Prophet Muhammmad peace be upon him said

Whoever amongs you wake up in the morning and safe in his home, in a good health and has enough provision for that day, It is as he has all the good things of this world

Home is the basic of human life which this condition is very difficult for me sometime I try to avoid the bathroom because the cleaning lady at port authority denied my bathroom because she did not let me to use water down there which in Islam I must clean with water on my private part after pee or No. 2 and I told her it's my religion I need to put water on my personal part and she said "religion, religion", "Fuck you" and one time I was denied the bathroom and she asked me to get out and curse me out in front of another ladies in the bathroom and embarrassing me because I carry the cart and she knew I was homeless and she said go to shelter and I just found out her name is Marrie(woman Bathroom cleaner at 2nd Floor lady's bathroom port authority and I was refuse to use the port authority bathroom accommodation because of my religion, Islam and another lady they don't use water but I have to use the water because the hadith prophet Muhammad peace be upon him said Cleanliness is part of Iman (faith) but with my homelessness condition it's so severe so struggle to performed my religious belief in order to do ablution in order to pray or read the Qur'an and if I have urine on me(Clothes) it's a sin and I will get the punishment of the grave. Also the other day I was sick but I got no place to rest and I sleep on the train and cough in front of people so uncomfortable as woman.

The Hadith of Prophet Muhammad peace be upon him said :

Sayyidna Ibn Abbas reported: The Messenger of Allah ﷺ happened to pass by two graves and said: They (their occupants) are being tormented, but they are not tormented for a grievous sin. One of them carried tales and the other did not keep himself safe from being defiled by urine. He then called for a fresh twig and split it into two parts, and planted them on each grave and then said: Perhaps, their punishment way be mitigated as long as these twigs remain fresh.(Sahih Muslim and Sunan Tirmidhee).

NYPD refusal to take my eviction complaint on September 19 2024 as act retaliation of my CCRB NYPD investigation on September 13, 2024 (**SEE EXHIBIT CCRB NYPD INVESTIGATION**) and protected activity having lawsuit with NYC health+Hospitals and Department of Homeless Services.

NYPD definitely retaliate after my CCRB complaint investigation on September 13, 2024 (**See Exhibit CCRB NYPD INVESTIGATION**) when the CCRB investigator, Sgt Paulson asking me to modify my writing complaint NYPD race discrimination complaint by twist my word at verbal Investigation and kept talking to escape from the subject matter when I said "did you read my complaint" "did you put my islamophobic complaint slightly" and he said I put the word on his mouth. Sgt Paulson said **NYPD have problem with Department of Homeless Services too** (CCRB Investigator, SGT Paulson discussing my protected activity with DHS on recorded phone line) too but I was discussing about the NYPD officers misconduct on August 24, 2024 who refuse me to filled Islamophobic complaint because my race, religion and protected activity,

I was denied to filled NYPD eviction of complaint on September 19, 2024 after CCRB NYPD investigation complaint on September 13, 2024(**SEE CCRB NYPD INVESTIGATION**) and my protected activity of having lawsuit at NYC Health+Hospital and DHS.

NYPD refusal to take my eviction complaint on September 19 2024 as act retaliation of my protected activity of reported the NYPD officers misconduct to CCRB in which my CCRB investigation conducting **on September 13, 2024** when the CCRB also denied my race, Religion discrimination complaint and cause me refuse to filled NYPD eviction complaint on September 19, 2024 "but for" I have to stay on the street when when I called 911 to report about my eviction from the shelter and the 911 operator said there is nothing we can do and refuse to help me and when I called 911 operator for the second time I believed my number being blocked and the phone ringing twice transferred to another supervisor Sergeant or field supervisor desk and no body came I was force stay on the street.

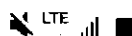
Thank you so much for this matter.

Sincerely yours,



Erica Febrianti

3:23



< 9292850042



Add to contacts

Block number

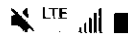
Friday, September 13, 2024



Good morning Ms. Febrianti. My name is Sergeant Paulson. I tried contacting you via email regarding a recent complaint you made regarding some Officers with the NYPD. I haven't heard back from you. I am conducting a follow-up investigation into the allegations you made. If you would like to proceed



3:24 M 6 ...



< 9292850042



Hi sgt Paulson. Yes I want to proceed yes. What the best time to called you. I am working now. Do you want me to come to you

10:23 AM

What precint


10:24 AM

I will called you later approximately after 5 pm. Is it okay

10:50 AM

I will call you maybe on my break

10:51 AM

 Sure. After 5pm is fine.

3:34 PM

Okay thank you



3:51 M   ...

LTE  

< 9292850042

Mr Sgt. Carlson. Yes I
want to proceed yes.
What the best time to
called you. I am work-
ing now. Do you want
me to come to you

10:23 AM

What precinct

10:24 AM

I will called you later
approximately after 5
pm. Is it okay

10:50 AM

I will call you maybe
on my break

10:51 AM

 Sure. After 5pm is
fine.

3:34 PM

Okay thank you

3:38 PM



NYC HEALTH + HOSPITALS

B. Facts

See Exhibit L-2 The respondent refused to hire me as Hospital Care Investigator List: 604 because of my protected activity. I filed the religious internal complaint to Captain Melendez regarding Sgt Rodriguez (Tour 1 Commander) on February 25, 2022 (**See Exhibit A**) and Detective King on March 27, 2022 (**See Exhibit B**), March 29, 2022 (**See Exhibit C**), March 28, 2022 (**See Exhibit G**), April 07, 2022 (**See Exhibit N-2**), April 07, 2022 (**See Exhibit F**). This time frame also the same time I supposed received the letter in mail or email regarding this position. I do not received anything in mail or email regarding this position.

Also during the psychological virtual interview (**Exhibit R**) I was asked questions "Do you have any court proceedings" and I said yes I had discrimination lawsuit with my former employer in 2015. I disclosed my discrimination lawsuit against my former employer in court.

On 04/09/2022 I was discharged because of my religious belief. I have to walk out the post because nobody relief me to pray. From prior incident on 04/07/2022 when Detective King come back from my internal religious discrimination allegation, Central Command officer Wood said the department not willing to accommodated early prayer time anymore and he transferred the call to Sgt Rosado and Sgt Rosado stated on the phone that Sgt Rodriguez will set me up to pray late at 0513 am (**See Exhibit N-2**). I told them I can't be relief at that time because I need to pray on time. I was told by Sgt Rosado that the department not willing to provide early prayer time anymore and if I walked the post I will be write-up for misconduct for leaving the post. I almost walked the post that day and Detective King came to relieved to pray at 0500 am. The department did not say she was coming. I almost walked out the post that day.

See Exhibit F, paragraph 9 On 04/07/2022 I sent email to CEO operation and hospital administration that I need permission to walk out the post if nobody relief me to pray. I did not received no reply from the CEO operation and hospital administration. I only received reply from captain Melendez that I was accommodated at 0500 am by Detective King on 04/07/2022.

I was called out on 04/08/2022 because the tension I have in my department and I still waiting the reply from CEO operation and hospital administration how to overcome the situation in my department.

(See Exhibit L-3) On 04/09/2022 I came to work and ready for the worst and nobody relief me to pray and I walked out the post in order to pray by notified Central Command Officer Jones. While I was praying I was called on the radio by Officer Martinez and I was called and forced to report to the Hospital police headquarters at 8th floor. I went upstairs and I met Sgt Rodriguez at rollcall office. Sgt Rodriguez asked me "why you leave your post" and I told him "I have to pray" and He said "this job not for you, You must choose between God or a job". I told him I choose God first and I give him my ID, Sheild, Radio, Keys. He said he didn't fired me he just want to write me up for walking out the post but I have to leave at 5 am that day and he said "go home and think and comeback tomorrow if I will choose job first". I told Sgt Rodriguez that today and tomorrow are the same thing I will choose God first. He asked me if I was resigning and I told him "I don't know" and he said "you must resign". I went downstairs to my locker room to change my clothes and comeback upstairs and I gave my bulletproof vest to Officer Wood. I was discharged that day.

(See Exhibit L-3) On 04/10/2022 I sent email to CEO operation and Hospital administration about my employment discharged.

(See Exhibit L-4) approximately On 4/14/2022 or 04/15/2022 I received the letter in the mail that my employment had been terminated **Dated ON 04/12/2022**

I believed the respondent had discriminated based on my age. I am consider new officer but my age was older than other new officers(Officer Chapagain, Smith, McLaughlin, Gutierrez). New younger officer was treated better in terms and conditions of employment have the opportunity to grow. I did not received the same training as new younger officers. Detective King is senior officers who train new officers at midnight shift. She knew my age prior she was assigned to central command officer in the middle August 2021 during locker room conversation. At the time I didn't see any significant change in my department because she just regular officer.

The condition in my department was drastically change when she was assigned to Central Command to replace Officer Philips in October 2021. Since then she told me in order to pray I need permission from Supervisor on duty the night before and I must requested during roll call.

Captain Melendez was asked me to submit the covid card which contain my age and birthday to him (**See Exhibit I**) even though I already told him I already submit the covid card to OHS 6th floor. **I submit the card on September 24, 2021.**

Since then I started receiving verbal harassment from supervisors, unfair working condition(**See Exhibit T**), negative working performance(**See Exhibit Q**), denied shift preference(**Exhibit C-10**), denied bathroom, write up in order to pray and bathroom accommodation.

My rights as woman violated when I was told Dr. Wilby that I have to hold pregnancy within 3 months in order to be hired at NYC Health+Hospitals because I must take 2 MMR vaccine in order to be hired. I was told to sign the letter of consent of the vaccine will harm the baby. I told Dr. Wilby that I had intention to be pregnant. Also I told Dr Willby that I already took MMR vaccine during admission to college. Dr. Willby said I must take 2 MMR vaccine in order to be hired and she said take the MMR vaccine now and comeback with another paperwork from the college.

Dr. Willby did not accommodate my intention in order to be pregnant under my free will. Dr. Willby said if I did not to take the MMR vaccine I will not get the job. In this case I believed my intention to be pregnant is the contingency of the employment in order to be hired. Dr Willby still insisted to take the MMR vaccine or I will not getting the job. I was force to take the MMR vaccine in order to get the job and On June 19th 2021 I was pregnant with no heartbeat(**See Exhibit N-3**).

My rights as woman violated when I was told to tightened my belt during Hospital Police Academy after I was submitted the doctor note for June 25, 2021 of my gyn visit which had picture of the pregnant woman holding the belly on the heading note and The clinics name: Health Care For Woman OB Gyn.

On June 30, 2021(**See Exhibit N-5**) Captain Padilla told me **"IF YOU HAVE BELT LIKE THAT I WILL TAKE YOU UPSTAIRS"** meaning I will dismiss from the Police Academy. Going upstairs meaning doing paperwork of my dismissal from employment.

Captain Padilla instructed Detective Santa Lay to tightened my belt against my will. She took me to the bathroom and she tightened my belt against my will. Definitely I would never put my belt like that because of the baby. I was feeling congested on my belly and squeeze on my baby. When I went back to the classroom I can't breath especially when I was sitting it was squeeze my fetus more.

The respondent stated on position statement that Tighten the belt is the part Dress Code Policy after I submitted the doctors note which contain the picture of the pregnant lady holding belly on the heading note on the left heading and Have the letter heading stated "Health Care for Women OB GYN" .

I believed tightened the belt for woman is illegal because woman might be pregnant or bearing a child. But I was the only one was subjected to tightened my belt alone. Captain Padilla instructed all the Hospital Police candidate in my squad "every one go back to classroom except Recruit Febrianti" and I was told by Captain Padila "IF YOU HAVE BELT LIKE THAT I WILL TAKE YOU UPSTAIRS".

Also, the other ladies were having big belly such as Officer Minor, and Officer Roberson but I am the only one who subjected to tightened my belt against my will by myself. I strongly believed Captain Padilla knew I was pregnant because of the doctors note I was given to them and have a picture of pregnant woman touching belly and the name of Clinics "Health Care for Women OB GYN". On the same day at 5 pm I started having vaginal bleeding and I was stay in ER for 14 hours and I was diagnose in my discharge paper as miscarriage.

I believed my rights as woman had been violated

RECEIVED

2025 JAN - 1 AM 12:00
 I would like to amend the complaint on SDNY Employment Discrimination complaint on page 5 on section IV. STATEMENT OF CLAIM by adding the Adverse Employment action. I would like to tick or check the box on "Did not accommodate my disability" (See Exhibit Z-98) and attach exhibit to this complaint. I believe I did not give the opportunity to request bathroom accommodation under ADA because I did not have the opportunity and capable to do it because of my hostility working assignment and condition due to my age.

On October 2021 when Sgt Blount, Sgt Rodriguez, and Captain Melendez told me that I need to provide the doctors note for bathroom accommodation urges if I will use the bathroom every morning. I am not able to provide the doctors note because at the time I am not on prediabetic condition yet. I can't provide the doctors note and I was struggling to pray too because at the time I was assigned to midnight shift restricted post 4 main lobby and the same post on 04/09/2022. This post required relief in order to go to the bathroom and pray. My first write-up for "post abandonment" by Captain Melendez was on October 2021 because I leave the "post abandonment" to relief bathroom urges and pray.

I was on prediabetic when I used to work there on 04/09/2022. I was diagnosed prediabetic since December 2021. I did not asked for bathroom accommodation under ADA because I was assigned to post 2B most of the time. Post 2B is unrestricted post (Freedom post) and I can go to the bathroom and pray on time without required relief.

In the end of January 2022, Sgt Rodriguez said they took unrestricted Post 2B from my assignment because he removed unrestricted post 2B from the midnight shift assignment but I found out they still have post unrestricted post 2B but they assigned to another officers.

In the end of January 2022 I started working at midnight shift restricted post 4 main lobby permanently and I did not asked for bathroom accommodation under ADA because my religious belief accommodation to pray was struggling to be accommodated (See Exhibit A, Exhibit B, Exhibit C, Exhibit G, Exhibit N-2) and I refrained my self to asked for another bathroom accommodation under ADA because I believed by asking bathroom accommodation under ADA will swap the accommodation to pray.

My prayer time so important because in Islam the purpose of life is to worship ALLAH first above all. If they said they can not accommodated to pray, I cannot worked there, so my bathroom is my second choice. I need to be accommodated to pray first so I can asked for bathroom accommodation later but it was impossible they will give bathroom accommodation because my religious belief obligation to pray was struggling to be accommodated.

I believed I did not have the opportunity to request the bathroom accommodation under ADA because of Hostility working assignment and conditions which giving me difficulties to pray and I never had any rotating working assignment like other new officers because of my age.

I believed the respondent on position statement said I was failed to asked for the bathroom accommodation (See Exhibit Hadith) due to my prediabetic disability under ADA was inaccurate because I did not asked the accommodation for bathroom under ADA because I did not give opportunity to do it because my religious belief obligation was struggling to be accommodated and unfair working assignment according to my seniority rights. The respondent aware of my prediabetic condition when I

ERICA FEBRIANTI

disclosed my health situation of prediabetic during EEO interview was conducted on April 13, 2022 (See Exhibit V). The interview started at 11:15 am for 50 mins and 07 seconds duration.

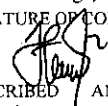
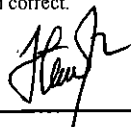
I would like to clarify to the court that the reason I did not requested the bathroom accommodation under ADA because I did not have the opportunity to requested the bathroom accommodation Under ADA because of the tension I had in my working environment because my accommodation to pray was struggling to be accommodated. I cannot work there if they do not giving me the opportunity and accommodation to pray on time.



ERICA FEBRIANTI

EEOC Form 5 (11/09)

| | | |
|--|----------------------|---------------------------|
| CHARGE OF DISCRIMINATION RECEIVED 2025 JAN -6 PM 11:34 U.S. DISTRICT COURT SONY This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form. | Charge Presented To: | Agency(ies) Charge No(s): |
| | EEOC | 520-2022-04761 |
| | | and EEOC |
| State or local Agency, if any | | |

| | | |
|---|-----------------------------------|--|
| Name (indicate Mr., Ms., Mrs., Miss, Mx., Dr., Hon., Rev. etc.) | Home Phone | Year of Birth |
| Erica Febrianti | (929)615-1758 | |
| Street Address | | |
| 14454 68th Ave FLUSHING, NY 11367 | | |
| Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.) | | |
| Name | No. Employees, Members | Phone No. |
| NYC Health + Hospitals | 501+ Employees | |
| Street Address | | |
| 1400 Pelham Parkway WESTCHESTER, NY 10461 | | |
| Name | No. Employees, Members | Phone No. |
| Street Address | | |
| DISCRIMINATION BASED ON | DATE(S) DISCRIMINATION TOOK PLACE | |
| Age, Religion, Retaliation, Sex | Earliest 07/01/2021 | Latest 07/12/2022 |
| | Continuing Action | |
| THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)): See Attached | | |
| I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures. I declare under penalty of perjury that the above is true and correct. | | NOTARY – When necessary for State and Local Agency Requirements I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT  SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year) |
| Date 07-28-22 | | Charging Party Signature  |

My name is Erica Febrianti and I am 47 years old, female, and Muslim. My date of hire for Special Officer (Hospital Police) was on May 3, 2021 which it was the first day of Hospital Police Academy. I was graduate from Hospital police academy on July 23, 2021 and started working for Special Officer (Hospital Police) On July 26, 2021

I got this job from DCAS another city agency who manage the city civil exams. I pass both exam special officers (hospital police) and Hospital Care Investigator(List # 604) for NYC Health + Hospitals.

I believed the respondent refuse to hire me as Hospital Care Investigator because my protected activity. I met someone who her list no.586 was hired in March, 2022. My list no. 604 should be called during March or April 2022 but nobody called me for this position while I was still on duty for Special Officer(Hospital Police) . I believed NYC Health + Hospital did not want hire me because I disclosed my discrimination lawsuit against my former employer during interviewed for Special Officer position.

In or on April , 2021, I conducted online interviewed for Virtual Psychological exam determination for Special officer(Hospital Police) position at NYC Health + Hospitals. During that time, I was asked if I had any court proceedings. I disclosed that I had a lawsuit in 2015 regarding a charge of discrimination against my former employer.

In or on April 2021, I believed my rights have been violated as woman when I was told I can't be pregnant within 3 months because in order to get a job as special officer must take 2 MMR shot(Rubella-Mumps) as medical screening hiring procedure at NYC Health + Hospitals . I was told to sign the consent paper to take the risk of my health if something happened or in case if I get pregnant will cause harm for the baby.

I told the Dr Wilby that already have one MMR vaccine during my admission to college but Dr. Wilby said I must take 2 MMR vaccine for the medical screening requirement in order to get this job. She told me to take the MMR vaccine now and comeback with another paperwork from previous MMR vaccine from the college, so I don't have to take the second MMR vaccine. I was told by someone at Hospital Academy that she did not take the MMR shot for this job. Unfortunately, I was pregnant.

June 19th ,2021, I had problem with my right foot pain, and I was diagnosed I am pregnant, but the doctor said the baby no heartbeat. The doctor said it was too early to detect whether the baby alive or not and she said just wait for few weeks hopefully the baby will have a heartbeat. I didn't provide doctors note on June 19th, 2021, to hospital police academy because Hospital Academy closed in the weekend, so I don't have to provide doctors note.

June 25th, 2021, I went to gynecologist doctor to check my pregnancy and request the doctors note and I was providing doctor's note had a picture of pregnant woman on the heading note. I was told by Sonogram examiner that the baby will be due February 19, 2022, but currently the baby has No heartbeat. The doctor told me it's too early to detect and decide and she said put finger cross I have come back next week to check my pregnancy hopefully there's heartbeat. I requested the doctors note and the doctors note have a picture of pregnant lady on the letterhead.

On June 30th,2021 I believe NYC Health +Hospital have intention to get me miscarriages when Captain Padilla asking me to tight my belt during hospital police academy after I provide doctor's note for June 25th ,2021 which had a picture of pregnant woman on heading note. Captain Padilla said "If you belt like

that I will take you upstairs" meaning I will dismiss from the academy. I saw there were other ladies on my academy have loose belt, but Captain Padila didn't asked them to tight their belt.

On June 30th, 2021, I went to NY Presbyterian Hospital at Main street, Flushing due to Vaginal bleeding. I went there approximately between 0800-1100pm hours at waiting room. I was seen by 4 different doctors.

I was seen by 2 doctors of NY Presbyterian doctor, and they did not say I was miscarriage, and they said the baby no heartbeat but I did told them that I was told by NYC Health + Hospitals that I am not supposed to get pregnant within 3 months because I need to take 2 MMR (Rubella-Mumps) In order to get the job. The first 2 doctors send me to do sonogram approximately at 03:00 am and I was told that the baby still there and there was no sign of miscarriage.

On July 1st , 2021 approximately between 0400-0600 am I have visitor(doctor no.3) which I believed NYC Health + Hospitals personnel and she said she is a doctor came from another Hospital and she doesn't work at NY Presbyterian Hospital . She said she need to know who give the vaccine and medication. I told her that I must take the MMR vaccine in order to get the job with NYC Health + Hospitals for special officer. She asked me if this is the happy baby and I told her Yes I want this baby. but I did asked her if possibility this baby can breathe again in future or should I get rid of this baby and make a new baby but at the time I was confused because I am not sure what should I do but I told the doctor that I will wait and pray maybe the baby will breathe again in the future but she said she will bring gynecologist doctor(Doctor 4) to check my pregnancy. I told her I will wait and hope the baby will have heartbeat in the future. She said she will not do anything and check whether if we should keep the baby or not.

From my experience during my pregnancy, the doctors never touch my vagina or do vaginal examination down there. They usually do sonogram to check the baby and rub my belly gently but the last doctor(doctor no. 4) she did put her finger on vaginal and one drop of the blood was coming out and she run and left me on stirrups for a while. She promises to me she just want to check my pregnancy and see if the pregnancy good or no good but she didn't have my consent to take my baby out because I feel my vagina was pulled out and one drop of blood was coming out and she run upstairs without any explanation and leave me on the stirrup. After while she was coming back, and She said the reason she left the room she has to rush upstairs because someone need to deliver the baby. She told me my pregnancy not good, and I was miscarriages. I believe I was miscarriages because of her finger go inside my vagina and pull my vagina out and cause my miscarriages.

The first 2 doctors from NY Presbyterian didn't say I was miscarriages or anything when I was arrived on the evening of June 30th ,2021 approximately admitted to hospital approximately between 08:00-11:00 pm at waiting room registration but the first 2 doctors on June 30, 2021 said the baby no heartbeat and not growing but the Doctor No.4 said I was miscarriages after she examine me On July 1st, 2021 approximately between 0630-0800 am after she put her finger on vagina and pull my vagina out and one drop of blood coming out.

I don't remember was the discussion with The doctor no. 4 but she did give the option whether I want to have surgery to take the baby out or take medication to get the baby out and it will painful (stomach pain) or I am not recall if she give the third option. I believe the condition she gave me by pulling my vagina out and bleed is the third option but I told her I will wait for this baby and hope there's will be heartbeats in the future and she said let's check if the baby good or not but she didn't say she will take the baby out and she told me she will check only. She doesn't have permission to take my vagina pull out without my consent even though this baby not growing or no heartbeat because miscarriages and no heartbeat diagnose were 2 different conditions. I hope my baby will have heartbeat in the future through prayers. Finally, I was discharged On July 1, 2021 approximately at 1100 am and I was diagnose on my discharge paper as Miscarriages. She told me that I was miscarriages, and I don't need to take the medication and the baby will go down by itself and I will have heavy bleeding.

In or around July 26, 2021, I started within my role as a Hospital Police Officer at Metropolitan NYC Health + Hospitals. My employer has been notified of my sincerely held religious belief and need for accommodation for prayer. While I was assigned to the midnight shift, I request to be move to the morning shift because Sgt Rodriguez told me back in October 2021 said he doesn't have enough people working on midnight shift to relieve me to pray, Sgt Rodriguez told me to request Captain Melendez to work in morning shift as it would allow me to prayer without requiring accommodation due to the time of my shift and scheduled breaks. I was told by Captain Melendez that I could not move to the morning shift because they already had enough female staff on the morning shift, but I found out he place new younger female officer 22 years old P.O Sultana to work in the morning shift. Instead of being allowed to adjust my shift, I was told that I would be provided relief so that I could be accommodated.

On September 24, 2021, I submitted the covid vaccine card to Captain Melendez which contain my age and my birthday. I started receiving negative comments of my working performance from my supervisors, unfair working assignment and condition, verbal harassment by supervisor during roll call briefing. I started to receive negative evaluation about my job performance verbally and in writing. My negative working performance was signed by Captain Melendez (chief Hospital Police) and Angela Mullet(Assistant Director of Human resources). Many time Detective King (Trainer)was complaining about my negative working performance "why you did this and why you did that" and she told me "it will be on your file".

Many time Capton Laboy told me during roll call "McDonald is hiring" I was told verbally by Sgt Rosado and Captain Laboy that I was fail twice on my working performance evaluation. I had been receiving the negative evaluation which indicated on the evaluation paper that my work performance was unsatisfactory. Sgt Rosado and Captain Laboy said I had one more chance or they will get rid of me. I believed "They" represents human resources or CEO of operations of NYC Health + Hospitals.

I believed I am being watch by the Management because of my protected activity. Also, during Roll call many time Sgt Rodriguez mentioned that "we need strongest person possible" maybe because of my protected activity and age.

Approximately in the end of January and in the beginning of February, 2022 I was notified during roll call that they eliminate post 2B from midnight shift. I was told By Sgt Rodriguez that I would no longer be working at my assigned post(2B), but I was instead assigned to another position(Post 4), in which it was more difficult to be accommodation but I found out they still have post 2B but it was assigned to another officer.

I never have the same opportunity as other officers who have rotating working assignment, I never given opportunity to work for patrolling post(Post 8,Post9,Post 10). Instead I always permanently assigned to post 4 since post 2B(No need relief/Freedom post)was taken away from my regular assignment. Many officers refuse to work on Post 4 because this post require relieve. This is the only post need relieved on midnight shift instead of ER officer but ER officer have less strict than Post 4 because ER unit always have field supervisor on duty so the officer can go to the bathroom.

Many time I was refused to use the accommodation for bathroom. Many time I have to hold my bathroom for a long period of time because going to the bathroom like violation to me. Since I worked on Post 4 I try not eat or drink until morning try to avoid bathroom. I was told not to eat or drink because Detective King said I can't go to the bathroom after my lunch break. She told me I have to called Supervisor on duty for bathroom. Patrolling officers always have more flexible accommodation because the patrolling post not required for relief.

On January 11,2022 Hospital Police treated me differently when I was refused to see the camera surveillance when my police jacket was missing. Sgt Rodriguez allowed P.O Robinson to see the surveillance camera but refuse me to see the camera. P.O Robinson and I are the same, we both officers but they treated me differently because of my protected activity(Age, Retaliation, Religion, etc)

I was getting write-ups when I lost my Jacket while I am on my duty. I told Sgt Desantes that I lost my jacket on Post 2B chair while I and another fellow officers have to restrained one patient to Triage Trauma room who refused the medication.

I called Central operation to check the camera because I believed my jacket missing not long ago. Sgt Desantes told me to go back to locker room and check if I leave my jacket there because he said he will make a report 10-57 of missing police property and I have to make sure I lost it. He didn't initiate to check the camera right away instead he wanted me to wasted time so the thief can have enough time to walkaway with my Jacket. I went upstairs to check the mosque because I was praying during my lunch hour there and go back to locker room to see my jacket was there but my jacket nowhere to be found.

I believed Hospital Police have knowledge of this incident because I am really sure the central operation have surveillance and have knowledge of someone stole my jacket but they let the person stole my jacket wanted to write me up for this unfair incident. The most important element of discrimination when Sgt Rodriguez and supervisors told me I can't see the surveillance camera but they let P.O Robinson to see the camera. He treated differently because my protected activity.

Sgt Desantes insisted me to go to locker room instead to check camera right away. I am really sure I had my jacket with me and I don't need to go to locker room to check it but I believed if central really want to find the guy who stole my jacket we were able to catch him because this guy homeless he might be still standing on the bus stop or not far from hospital but they were not willing to find my jacket but I believed their intention is to write me up for someone stole my police jacket while on duty.

I believed if the jacket belongs to Officers Carreras or other officer they might try to find them. I bought this jacket new and I spend almost \$ 150.

In or around February 25.2022 I sent email to Captain Melendez(Chief Hospital Police) regarding I had been relieve late to pray and request I need accommodation for early morning prayer. In or around March 27, 2022, I requested relief and was met with rude and discriminatory comments by Detective

King (Central Operation Officer). I made a claim of discrimination to the director within our department and the subject of my complaint was placed on leave. While she was on leave the conduct discontinued, but when she returned the behavior continued and escalated. When Detective King coming back from her leave the situation getting worse and All people in my department was against me. Prior I made a claim of Discrimination against Detective King. I only have problem with Detective King. One time while Detective King still on leave nobody reply to my radio communication when I requested the wheelchair from my radio. I called Central and P.O Jones confronted me about my discrimination complaint against Detective King and She told me that I was deserved to be Harass and discriminated against but she still relieved me to pray on time. On April 4, 2022 Central Operation Officer (P.O Agasto) said he doesn't have anybody to relieved me to pray. I was off on April 5 and April 6, 2022. On April 7, 2022, P.O Wood refused to give me accommodation when I requested to be relief in order to pray. P.O Wood told me on the phone that Sgt Rodriguez told him to relieve me late to pray and he transfer the call to Sgt Rosado. Sgt Rosado also told me that I will get relief from my post at 05:13 am in order to pray . I told him that time will be late for me to pray. I notified him I will walk out the post if nobody relieves me on time. Finally Detective King came to relieve me after I told them I will walk out the post. I had called out on (Thursday night to Friday Morning) April 8, 2022 because of pressure I had from my supervisors in my department and on the same time I sent email to the CEO Hospital Administration (Michelle Figueroa, John Muniz, Captain Melendez) on April 7 at 12:57 pm that I need accommodation to leave my post if nobody relieve me to pray. In this position, I had ongoing difficulties being provided relief and I notified my supervisors that if I was not provided relief in a timely and respectful manner, I may be forced to leave my post in order to do pray. On April 8, 2022 approximately at 11:45Pm and April 9, 2022 approximately at 01:45 am Sgt Rodriguez and Captain Laboy asked me to log in to my employee NYC Health + Hospitals account. He told me he will do some assessment for me, but it's seemed suspicious to me because they were not supposed request to access my employee account. They asked me to go back to my post and they have access of my employee account. I believed the Hospital Administration have a plan to fire me on April 09, 2022 because I sent email to CEO of hospital administration and told them I will walked out the post that day if nobody to relieve me to pray. I believed Sgt Rodriguez and Captain Laboy try to erase my negative performance evaluation from my account because I found out my negative evaluation of my poor performance was erasing from my account but I do have the copy of my negative evaluation and write ups prior the deletions which Captain Laboy gave me before to sign. In or around April 9, 2022, I requested relief but was not provided with any support and so I left my post to pray. Immediately I was called and forced to report to the office of the director who noted that I Had committed misconduct by leaving my post. I was told that I would need to choose between the job and prayer. I told them I would choose prayed and turned in my badge and other employment materials. While they asked me to stay within my position, I notified the respondent that if I would not be allowed my accommodation and not be accommodated, I would have to constructively discharge. ?I believe I have been discriminated against based on my religion, Muslim, my sex, female, and my age, 47, in violation of Age Discrimination Act of 1975, as amended, and in violation of Title VII of the Civil Rights Act of 1964, as amended

I declare under Penalty of Perjury that
the above is True and correct

07-28-22
DATE


ERICA FEBRIANTI

EEOC (Inquiry) Number: 520-2022-04761

Inquiry Information

INQUIRY OFFICE

Receiving: New York District Office

Accountable: New York District Office

POTENTIAL CHARGING PARTY

Name: Erica Febrianti

Address: 14454 68th Ave
FLUSHING, NY 11367

Year of Birth:

Email Address: ericafebrianti60@gmail.com

Phone Number: (929)615-1758

POTENTIAL CHARGING PARTY'S DEMOGRAPHICS

Gender: F

Disabled? I do not have a disability

Are you Hispanic or Latino?

Ethnicity: Asian,

National Origin: Other Asian

RESPONDENT/Employer

Organization Name: NYC Health + Hospitals

Type of Employer: Business or non-profit organization that I applied to, work for, or worked for

Number of Employees: An uncertain number of employees

Address: 1400 Pelham Parkway
WESTCHESTER, NY 10461

County:

Phone Number:

LOCATION OF POTENTIAL CHARGING PARTY'S EMPLOYMENT

Address: 1901 1st ave

NYC, NY 10029

County:

RESPONDENT CONTACT

Name: NYC Health + Hospitals

Email Address: Michelle.Figueroa@nychhc.org

Phone Number:

Title:

REASON(S) FOR CLAIM

Date of Incident (Approximate): 04/09/2022

Reason for Complaint: Religion, Retaliation - I filed a charge of job discrimination about any of the above

Pay Disparity:

Location of Incident: New York

Submission (Initial Inquiry) Date 04/13/2022

Claim previously filed as charge with EEOC? No

Approximate Date of Filing:

Charge Number: 520-2022-04761

Claim previously filed as complaint with another Agency? No

Agency Name:

Approximate Date of Filing:

Nature of Complaint:

Adverse Action(s)

On Saturday morning, April 09, 2022 at 0458 Am I walked up my post due to nobody relieve me to pray.

I notified the central ops (P.O Jones) that I will walked the post in order to pray. I leave the post on safe conditions and will not cause undue hardship of the employer.

Sgt Rodriguez asked why I leave my post I told him I have to pray he said this job not for you and I have choose between God or job.

I told him I choose God first over the job. I give him my shield and my badge. He said he didn't fired me but he will write me up for walking up my post. I am not longer working there because my prayers time conflict with HP operations. He told me to choose the job first in order to work there.

APPOINTMENT

Appointment Date and time: 07/07/2022 15:00:00 EST

Interview Type: Phone

APPROXIMATE DEADLINE FOR FILING A CHARGE: 02/05/2023

RECEIVED

2025 JAN -6 PM 11:51
U.S. DISTRICT COURT SONY
V. PHIA ADMINISTRATIVE PROCEDURES

For most claims under the federal employment discrimination statutes, before filing a lawsuit, you must first file a charge with the U.S. Equal Employment Opportunity Commission (EEOC) and receive a Notice of Right to Sue.

Did you file a charge of discrimination against the defendant(s) with the EEOC or any other government agency?

☒ Yes (Please attach a copy of the charge to this complaint.)

When did you file your charge? APRIL 13, 2022 (SEE EXHIBIT L-5)

☐ No

EEOC Filed charge 07-28-2022 due to COVID

remote only No walk
in charge

Have you received a Notice of Right to Sue from the EEOC?

☒ Yes (Please attach a copy of the Notice of Right to Sue.)

What is the date on the Notice?

MAY 30, 2023

When did you receive the Notice?

MAY 30, 2023

☐ No

VI. RELIEF (SEE Additional attachment)

The relief I want the court to order is (check only those that apply):

- ☐ direct the defendant to hire me
- ☐ direct the defendant to re-employ me
- ☐ direct the defendant to promote me
- ☐ direct the defendant to reasonably accommodate my religion
- ☐ direct the defendant to reasonably accommodate my disability
- ☒ direct the defendant to (specify) (if you believe you are entitled to money damages, explain that here)

- ECONOMIC DAMAGES (BACK PAY and Future wages)

- EMOTIONAL Distress and Pain Suffering damages

- PUNITIVE DAMAGES

- Attorney Fees IF I will have Lawyer in Future

- NYPD Refused me to filled complaint DAMAGES Pain and Suffering, emotional distress Because "BUT FOR" I was Force to stay on the street

- HOTEL Room (NYPD) Liable For refus my eviction Complaint Made me ~~Refus~~ stay in the hotel ^{sometime} → SEE ATTACHMENT

Attach to the complaint to Southern District Court Employment Discrimination Complaint

VI. Relief

I have been through so much cost by this job. I am currently in financial hardship.

I lost my unborn baby, I didn't accommodate to pray on time to fulfill my religious belief obligation, denied bathroom accommodation, unfair working assignment, accusation of negative of working performance, verbal harassment from supervisors and Detective King, my reputation ruined cause me not easy to get another job. I am currently in \$14000 debt.

Not easy to find another job when dismissed from city jobs and I am currently struggling to support my self. I am currently have credit card debts in order to support myself since last year. If I did not paid by June 28, 2023 will cause accrued interest in the amount of \$13052 and I also have another credit card bill from another credit cards due next August, 03,2023 for the amount approximately around \$895 will accrued interest as well. I might be homeless soon. I am currently on food stamp. I am currently have \$222.15 on my checking account right now. I am currently living in credit card loan to support myself.

I was fired since last year April 2022 during Ramadan and currently still searching for jobs but I still not able to find. I worked for the city so when I get fired from city job my reputation goes down the drain. Nobody wanted to hired me anymore. I never thought I will be unemployed this long but no employer wanted to hired me anymore and dismissed from city jobs will cause dismissed in another city jobs opportunities.

Only woman could only understand how it feels when lost the baby. I have been admired to be a mother for long time when I have the opportunity to have a baby the respondent did not give a chance to be pregnant under my free will.

For this matter I believed I deserve for:

- Economic Damages(back pay and future wages)
- Emotional distress and pain suffering damages
- Punitive damages
- Attorney fees if I will have lawyer in future

RECEIVED
2025 JAN -6 PM 11:52
U.S. DISTRICT COURT SONY

RECEIVED
2025 JAN -6 PM 11:51
U.S. DISTRICT COURT SONY

VI. Relief**Additional Request for Damages added to Original complaint**

RECEIVED

JAN 6 PM 11:52

U.S. DISTRICT COURT SONY

"But for" I was lose the job at NYC Health Hospitals and now I have my interest charges on my credit card and prior I lost the job at NYC health+hospitals I don't have credit card interest charges and I always paid my credit card in full to increase my credit score. Prior I lost the job my credit score was 822 and now I almost used all my credit card balance my credit down to 620.

Also having Interest charges was effecting my religious belief and considered a sin in Islam. **Qur'an verse on interest:**

- **Surah Al-Imran, verse 130:** "O, you who believe, do not consume riba(Interest), doubled and multiplied, but fear Allah"
- **Surah Al-Baqarah, verse 275:** "Allah has permitted trade and forbidden riba(Interest)"
- **Surah Al-Baqarah, verses 278-279:** "O you who have believed, fear Allah and give up what remains [due to you] of interest if you should be believers"
- **Surah Al-Nisa, verse 161:** "And because of their charging riba(Interest) while they were prohibited from it"
- **Surah Al-Rum, verse 30:39:** "And whatever riba(Interest) you give so that it may increase in the wealth of the people, it does not increase with Allah"

NYC Health+Hospitals should liable for my interest charges on my credit cards.

Prior I lost the job at NYCHHC I was free from any interest charges from credit card but now my interest from credit card so tremendously increase because I got no choice to use it to buy food WHEN I WAS ADMITTED TO SHELTER AND the shelter did not provide halal food and I was evicted from the shelter and NOW I AM HOMELESS.

In the half year in May 2022 and in July 2023 I used the credit card loan to pay for my rent and when my food stamp running out because I cannot cook and buying food outside so expensive. In August 2023 I was admitted at Women Shelter in the Bronx and I was evicted from the shelter on September 19, 2024.

I believed the city should liable for my hotel charges after September 19, 2024 as well "but for" NYPD refuse my eviction complaint and now I have to stay on the street because sometimes when I accidentally I was peeing on myself when I am sick and I cough and pee on my clothes and pants on the same time and I have to go to book hotel to take shower using my credit card because in Islam not allowed to pray if I have pee on the clothes or body because it's a sin I will get punishment of the grave according to prophet Muhammad peace be upon him. I have to pray 5 times a day in

clean state(Body and clothing) and without no pee on the body and clothes because in Islam religion the cleanliness is part of Iman or religion. For this reason I am requested damages as described below:

1. Punitive damages (back to back discrimination from left and right, DHS,NYPD, NYC Health+Hospitals), etc
2. Emotional distress and pain and suffering
- 3 .Economic damages (back pay and future wages)
4. Interest charges from Credit Card(Food,hygiene products) excluded from my personal expenses because if I did not lose my job at NYC Health+Hospitals I can afford to buy food without paying interest on my credit card and I will able to pay the balance in full monthly without have to pay interest If I have a job and I can cook at home if I have home which will be cheaper but now I am homeless I cannot cook and buy food so expensive and food stamp not enough to covered monthly food expenses because buy ready food so expensive. I eat once a day now, only dinner but sometime I eat breakfast with my credit card if I wanted to use the bathroom because I cannot used the bathroom without buying food and food stamp only covered for 10 days food because I have to buy ready halal food and I spent \$3 for water per day and I feed the pigeon too every morning to buy rice using my credit card sometime because according to Islam the animal pray for the people who feed them so sometime I buy rice for the pigeon as part of religion to feed the animal which outside and considered my personal expenses but I will be able to buy my personal expenses if I don't lose my job and respondent did not premeditated undue hardship had cost me constructive discharge on 04/09/2022 and all of it "but for" the respondent premeditated undue hardship on my religious discrimination which cause me constructive discharge by forced me to leave Islam as my religion when Sgt Rodriguez said comeback tomorrow if choose job first also the same way he said comeback tomorrow if leave Islam because in Islam prayer is like head in the body according to Islam religion.
5. Hotel room charges after September 19, 2024 "but for "NYPD refused my eviction complaint and made force me to stay on the street and train and have to book the hotel for religion purposes have to take shower if I was peeing on my self and I wanted to tell the truth I cannot take the street sometime when I ride the train at midnight I cannot stand the train because some of the homeless was smoking inside the train and I book the hotel because of frustration but I did not peeing on myself but the situation surrounding made me book the hotel for safety and my health too I cannot sleep surrounding homeless who curse and having sex on the subway at midnight and sometime I saw some homeless trying to steal the drunk man wallet on the train by

reaching his pocket and has made me book the hotel because something I felt bad I was not able to protect that drunk man when the homeless reaching his pocket but I realize I just a woman not able to protect the man and made me feel I have to book the hotel without peeing on myself but I try not to take advantage of this I will book the hotel only when the condition was horrible made me book the hotel to made me feel better and stay on the street again the next day but if I have peeing on myself I must book the hotel in order to clean my self in order to be allowed to pray.

RECEIVED

VII. PLAINTIFF'S CERTIFICATION

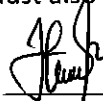
By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

I agree to notify the Clerk's Office in writing of any changes to my mailing address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint. Attach additional pages if necessary. If seeking to proceed without prepayment of fees, each plaintiff must also submit an IFP application.

January 6, 2025

Dated



Plaintiff's Signature

ERICA

First Name

Middle Initial

FEBRIANTI

Last Name

Homeless

Street Address

County, City

State

Zip Code

929 615 1758

Telephone Number

ericafebrianti60@gmail.com

Email Address (if available)

I have read the attached Pro Se (Nonprisoner) Consent to Receive Documents Electronically:

☒ Yes ☐ No

If you do consent to receive documents electronically, submit the completed form with your complaint. If you do not consent, please do not attach the form.



**United States District Court
Southern District of New York**

Pro Se (Nonprisoner) Consent to Receive Documents Electronically

Parties who are not represented by an attorney and are not currently incarcerated may choose to receive documents in their cases electronically (by e-mail) instead of by regular mail. Receiving documents by regular mail is still an option, but if you would rather receive them only electronically, you must do the following:

1. Sign up for a PACER login and password by contacting PACER¹ at www.pacer.uscourts.gov or 1-800-676-6856;
2. Complete and sign this form.

If you consent to receive documents electronically, you will receive a Notice of Electronic Filing by e-mail each time a document is filed in your case. After receiving the notice, you are permitted one "free look" at the document by clicking on the hyperlinked document number in the e-mail.² Once you click the hyperlink and access the document, you may not be able to access the document for free again. After 15 days, the hyperlink will no longer provide free access. Any time that the hyperlink is accessed after the first "free look" or the 15 days, you will be asked for a PACER login and may be charged to view the document. For this reason, *you should print or save the document during the "free look" to avoid future charges.*

IMPORTANT NOTICE

Under Rule 5 of the Federal Rules of Civil Procedure, Local Civil Rule 5.2, and the Court's Electronic Case Filing Rules & Instructions, documents may be served by electronic means. If you register for electronic service:

1. You will no longer receive documents in the mail;
2. If you do not view and download your documents during your "free look" and within 15 days of when the court sends the e-mail notice, you will be charged for looking at the documents;
3. This service does *not* allow you to electronically file your documents;
4. It will be your duty to regularly review the docket sheet of the case.³

¹ Public Access to Court Electronic Records (PACER) (www.pacer.uscourts.gov) is an electronic public access service that allows users to obtain case and docket information from federal appellate, district, and bankruptcy courts, and the PACER Case Locator over the internet.

² You must review the Court's actual order, decree, or judgment and not rely on the description in the email notice alone. See ECF Rule 4.3

³ The docket sheet is the official record of all filings in a case. You can view the docket sheet, including images of electronically filed documents, using PACER or you can use one of the public access computers available in the Clerk's Office at the Court.

500 PEARL STREET | NEW YORK, NY 10007
300 QUARROPAS STREET | WHITE PLAINS, NY 10601

PRO SE INTAKE UNIT: 212-805-0175

CONSENT TO ELECTRONIC SERVICE

I hereby consent to receive electronic service of notices and documents in my case(s) listed below. I affirm that:

1. I have regular access to my e-mail account and to the internet and will check regularly for Notices of Electronic Filing;
2. I have established a PACER account;
3. I understand that electronic service is service under Rule 5 of the Federal Rules of Civil Procedure and Rule 5.2 of the Local Civil Rules, and that I will no longer receive paper copies of case filings, including motions, decisions, orders, and other documents;
4. I will promptly notify the Court if there is any change in my personal data, such as name, address, or e-mail address, or if I wish to cancel this consent to electronic service;
5. I understand that I must regularly review the docket sheet of my case so that I do not miss a filing; and
6. I understand that this consent applies only to the cases listed below and that if I file additional cases in which I would like to receive electronic service of notices of documents, I must file consent forms for those cases.

Civil case(s) filed in the Southern District of New York:

Note: This consent will apply to all cases that you have filed in this court, so please list all of your pending and terminated cases. For each case, include the case name and docket number (for example, John Doe v. New City, 10-CV-01234).

STARWOOD WORLDWIDE 15CV635

NYC HEALTH+ HOSPITALS 23CV06175

ERICA FEBRIANTI

Name (Last, First, MI)

Homeless

Address

City

State

Zip Code

929 615 1758

ericafebrianti60@gmail.com

Telephone Number

E-mail Address

January 6, 2025

Date


Signature

Return completed form to:

Pro Se Intake Unit (Room 200)
500 Pearl Street
New York, NY 10007

RECEIVED
2023 JAN -6 PM 11:53
85 DISTRICT COURT SDNY

20-2022-04/61

Case Number

My Cases

Submission Date

04-13-2022

CHARGE

1 of 1 »

Current Page: 1

Please click on a case number to continue

Search

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

NYC
HEALTH +
HOSPITALS
2025 JAN 6
U.S. DISTRICT COURT SDNY

Stephanie Siaw, Esq.
Associate Counsel
NYC Health + Hospitals
50 Water Street 17th Fl.
New York, NY 10004
Stephanie.Siaw@nychhc.org
917-848-3928

October 14, 2022

Via Electronic Submission

Madeline.McGrath@EEOC.gov

Federal Investigator

U.S. Equal Employment Opportunity Commission (EEOC)

Enforcement Division/New York Field Office

33 Whitehall Street

New York, NY 10004

Erica Febrianti v. New York City Health and Hospitals Corp.

EEOC No. 520-2022-04761

Dear Investigator McGrath:

This letter and the facts contained herein serve as the consolidated Position Statement submitted on behalf of Respondent New York City Health and Hospitals (hereinafter “the System” or “Respondent”), addressing the charge of Erica Febrianti (hereinafter “Charging Party”) filed with the Employment Opportunity Commission (“EEOC”), alleging age, religious, and sex-based discrimination in addition to retaliation.

The System’s Mission and Commitment to Equal Employment Opportunity

The System is a public benefit corporation created by the New York State Legislature on July 1, 1970, to operate New York City’s municipal hospitals. The System operates healthcare facilities in all five boroughs, providing general, chronic, ambulatory and skilled nursing care, and a wide variety of specialized patient care services. The System operates eleven acute care hospitals, six neighborhood family health centers, four long-term care facilities, a certified home healthcare agency and more than 100 community health clinics.

The System is committed to providing equal employment opportunities to all individuals and encourages each individual to realize his or her full potential. It is the System’s objective to recruit, select, train, and promote, into all job levels, the most qualified individuals without regard to actual or perceived race, color, national origin, alienage or citizenship status, religion or creed, gender (including “gender identity” which refers to a person’s actual or perceived sex and includes self-image, appearance, behavior or expression, whether or not different from that traditionally associated with the legal sex assigned to the person at birth), disability, age, military status, prior

record of arrest or conviction, marital status, partnership status, caregiver status, genetic information or predisposing genetic characteristics, sexual orientation, status as a victim or witness of domestic violence, sex offenses or stalking, unemployment status, consumer credit history, status as a disabled veteran or Vietnam Era veteran, and/or any other protected class covered by federal, state and/or local anti-discrimination laws.

RESPONDENT'S RESPONSE

In response to Charging Party's charge alleging color, national origin and sex-based discrimination, Respondent submits the following:

Charging Party commenced employment with the System on May 3, 2021, as a Special Officer with the Hospital Police department. As a Special Officer Charging Party was required to complete training in the Hospital Police academy. Charging Party attended the Hospital Police Academy from her date of hire and commenced her assignment as a probationary Special Officer at Metropolitan Hospital, one of the System's eleven acute care facilities on July 26, 2021. Charging Party was assigned to the midnight tour (12AM – 8 AM) and her supervisors were Supervising Special Officer Charlie Rodriguez ("Rodriguez"), Supervising Special Officer Anibal Rosado ("Rosado") and Special Supervising Officer Luis Desantis ("Desantis"). As a Special Officer Complainant's job functions were that of a law enforcement agent, Complainant was tasked with responding to calls, particularly emergency calls and alarms within Metropolitan hospital and implementing security and safety measures to ensure the safety of Respondent's staff, patients and visitors to the facility. Complainant was tasked with patrolling the facility, arresting those who violate the law, as necessary, upholding and reinforcing the System rules and regulations, reporting security issues, suspicious and/or unlawful activity, evicting loiterers and disorderly persons. Complainant was required to be courteous and respectful at all times [EXHIBIT A- Job Description]. Charging Party was assigned to Post 2 - Emergency Room Area and Post 4 - Main Building's Entrance/Lobby Area because she was a new officer and those post assignments generally had officers nearby to provide Charging Party (as well as any other assigned officer) with assistance if needed. Relief, in the form of another officer, is required before an officer may leave their post.

Charging Party identified as a Muslim and though she never submitted a written request for a religious accommodation regarding time to pray while on duty, the department had a standing verbal agreement with Charging Party ensuring that Charging Party was relieved from her post to pray. There were multiple officers in Charging Party's department who also identified as Muslim and were also accommodated by ensuring they were relieved to pray as their faith required.

I. Charging Party's Internal Complaint

On February 25, 2022 Charging Party sent an email to Chief of Metropolitan Hospital Police, Adrian Melendez ("Melendez") alleging that she had been relieved late for her morning prayer and said she must "pray on time" [Exhibit B – FAJR Email]. Charging Party asked Melendez to tell the Tour 1 commander to relieve her from her post before prayer time so that she could visit the mosque on the 12th floor of the facility to pray "on time." On March 28, 2022 Charging Party again emailed Melendez stating Detective Tacora King ("King") was not able to accommodate her earlier prayer time. On March 29, 2022 Melendez responded to Charging Party's email after a verbal discussion in which Charging Party acknowledged that being relieved late for FAJR prayer

was not a constant occurrence. In the email Melendez said he would look into her concern. On April 7, 2022 Charging Party emailed Melendez and several other senior members of the hospital police department [Exhibit B– FAJR Email]. In her email Charging Party said that she almost walked off her post again after she learned she would be getting relieved at 5:13 AM which she explained was later than the time she needed to pray [Exhibit B– FAJR Email]. Charging Party said:

“My religion taught me to fight for my rights and dignity, Prayer is the first pillar of my religion. The purpose of my life in my religion is to worship but if my working environment does not give me accomodation [sic] to pray, my imam told me not work at any of them. When it's time to pray I have to pray and no one can stop me for that. Human rights to worship Allah I want to worship, Allah's commands to pray come first and HP command not to abandon the post come second if nobody comes to relieve me.”

Melendez responded to Charging Party's email on April 7, 2022 and explained that she was relieved at 5:00 AM by King which was enough time for her FAJR prayer and explained that the Hospital Police department has a Ramadan prayer schedule posted to assist with accommodating all Muslim Officers with their prayer times. Melendez also explained that a meeting had been arranged with labor personnel to further discuss Charging Party's complaints. Charging Party responded to Melendez's email on April 7, 2022 and alleging she was being retaliated against for having complained about not being accommodated for prayer and bathroom time. Further she stated:

“In addition I believed the pre-disciplinary warning reported to the Department of Justice center for post abandonment was unacceptable because this warning related to my bathroom and prayer time. I personally accept all the criticism regarding my working performance as long as it does not violate my rights to pray and use the bathroom. At the time I was instructed by Sgt Blount to delay my bathroom because we were arresting someone but Sgt Blount's command to delayed the bathroom and prayer time is unacceptable, I have religious obligation to fulfill and Allah commanded to pray always come first and Sgt Blount command to hold my bathroom and prayer time come second. I have my rights to ask the pre- disciplinary warning for post abandonment to be removed from my file and I believed it was an unfair Pre-disciplinary warning.”

Charging Party did not attend the meeting Martinez scheduled with labor personnel. Charging Party's email exchange with Martinez was referred to the Office of EEO and an internal EEO investigation was undertaken. Despite Charging Party being asked to submit an official complaint using the System's EEO complaint form Charging Party neglected to so. Charging Party did participate in the investigation and was interviewed by the Office of EEO on April 13, 2022 where her only allegation was regarding her religious accommodation. Charging Party complained that she had been relieved from her post late on several occasions and said that being relieved late interferes with her prayer time. Charging Party acknowledged that her practice is to notify central approximately five minutes prior to the time necessary to pray and central sends relief in response enabling her to use the bathroom and to pray. Charging Party said she is generally relieved but alleged that when King answers the call relief is sent late or fails to respond. On those occasions

Charging Party leaves her post without permission and admitted she had been written up twice for leaving post without permission. Charging Party also alleged that she is prediabetic and said she needs to use the bathroom often but admitted she has never completed a reasonable accommodation request and never provided supporting medical documentation regarding her bathroom use. Charging Party told EEO, during the interview, that she requested a doctor's note but was told by her doctor that no note could be given as she did not have a medical condition that supported a medical note. Charging Party did not seek to include an allegation of failure to accommodate any medical condition in connection with EEO's review.

Charging Party said that on April 9, 2022 she walked off post without being relieved and asserts that Supervising Special Officer Rodriguez, upon discussing her post abandonment told her this, "job was not for her. You have to choose between God and your job." Charging Party then turned in her shield, ID, radio and keys but when asked if she was resigning said she was not. Charging Party never made any allegations regarding gender, sex or retaliation during her EEO interview.

On August 10, 2022, prior to the conclusion of EEO's internal investigation the System's Office of Legal Affairs received the instant charge. As per the System's EEO policy when an external complaint is filed while an internal investigation is pending and the external is based upon the same allegations that comprised the internal, the System's response will be to the external complaint [Exhibit C- System EEO Policy]. As such there was no determination issued for Charging Party's internal complaint.

II. The System Granted Charging Party's Religious Accommodation Request

Charging Party's statements during her EEO interview reflect that she was provided an accommodation for her religious beliefs. Charging Party admits the department sent her relief as she requested to permit her prayers, however, there were instances where relief was not sent immediately after Charging Party made her request due to the exigent nature of the department's work. As previously explained Special Officers respond to alarms within the facility. If there is an emergency requiring the attention of hospital police it would delay a response to Charging Party's request for relief. Such delays were unacceptable to Charging Party who said "prayers come first." The System provided Charging Party with an accommodation enabling her to pray but Charging Party's expectation that relief should be provided immediately upon her request, regardless of whether there was an emergency requiring hospital police response, was both unreasonable and an undue hardship to the System. The System is required to ensure the safety of its staff, patients and visitors which is the role of Hospital Police. It is unreasonable to expect the System to abandon that responsibility to ensure Charging Party is timely relieved for prayers. Instead, when there were exigent circumstances requiring the response of multiple officers, relief was provided as soon as hospital police could safely send a relieving officer to Charging Party's post.

Melendez said that on April 9, 2022 at 4:33 AM there was a panic alarm requiring response from multiple Hospital Police officers. Melendez was informed that Charging Party abandoned her post, post 4 in the main lobby, after calling central at 4:45 AM seeking relief to pray. Charging Party's scheduled prayer relief time was 5:09 AM. Because all available officers were responding to the panic alarm involving a combative patient there was no officer available to relieve Charging Party. Rodriguez spoke with Charging Party who acknowledged abandoning her post, leaving the post without a covering officer, indicating that she had to pray and God comes first. Charging

Party was told that the department makes all efforts to accommodate her prayer time but, in this instance, all available officers were responding to an alarm. Rodriguez told Charging Party she would be relieved of duty for the remainder of the tour because she abandoned her post. Charging repeatedly stated "God first" and then placed her shield, identification card and keys on Melendez's desk. When asked if she was resigning Charging Party said she was not resigning but "God comes first." Charging left Melendez's office but returned to give Rodriguez her bulletproof vest. On April 11, 2022 Charging Party appeared at Metropolitan and cleared her personal property from her locker. No resignation letter was ever received from Charging Party but she did not return to work after that day, April 11, 2022.

III. The MMR Vaccine Requirement

Charging Party alleges that "her rights have been violated as woman" as she claims she was told "she can't be pregnant within three months in order to get a special officer role because she was required to take the MMR vaccine." The System's Operating Procedure, OP 20-19 standardizes Occupational Health Services among the System's facilities. [Exhibit D- OP 20-19]. Candidates for System employment are required to provide proof of Rubeola (Measles), Rubella (German Measles), and Mumps ("MMR") vaccination among other vaccinations prior to commencing employment with the System. This requirement is for all System employment candidates regardless of gender or position. However, the System also provides candidates who have a medical or religious reason for declining the MMR vaccination the ability to request a reasonable accommodation from the MMR vaccine requirement through the System's Office of EEO [Exhibit D- OP 20-19]. Charging Party never submitted a reasonable accommodation request to the Office of EEO regarding the MMR vaccine. The MMR vaccination requirement is not evidence of gender discrimination. The MMR vaccine requirement is a gender-neutral requirement for System employment of which there is an available process to request exemption based on a religious or medical reason. Charging Party's failure to avail herself of this process does not support her claim of gender discrimination.

IV. Hospital Police Special Officers Dress Code

Charging Party alleges that on June 30, 2021, while she was still in police academy completing training, Captain Anthony Padilla ("Padilla") told her to tighten her belt. This claim is time barred given the filing date of Charging Party's charge, July 28, 2022 and the date the alleged acts occurred. In addition to the allegation being time barred the allegation does not support Charging Party's discrimination claim.

Charging Party claims that she previously provided a note with a picture of a pregnant woman after a visit to gynecologist. Notably, Charging Party does not detail the contents of the medical note, does not indicate the medical note confirmed a pregnancy and does not indicate to whom the note was provided. Charging Party also did not make this claim during her EEO interview regarding the internal complaint referred to EEO. However, Charging Party asserts that Padilla intended for her to have a miscarriage when he directed her to tighten her belt. Any comments made to Charging Party about tightening her belt, if they were in fact made, would have been done to ensure her proper appearance as required by her role as a Special Officer. As a Hospital Police officer Charging Party was required to wear a uniform while on duty [EXHIBIT E- Hospital Security Uniform Regulations]. The patrol uniform consists of an 8-point hat or patched blue baseball cap, long/short sleeve shirt (depending on season) and tie, pants, standard or semi tactical, trouser belt, duty belt, lack socks, black shoes and duty jacket (depending on season). As per the

Hospital Security Uniform Regulations Hospital Police Officers are to be well groomed as it is an element of professionalism while on duty. The regulations state: Uniforms are to be kept neat, clean and in proper repair. Shoes are to be shined **[EXHIBIT E- Hospital Security Uniform Regulations]**. To ensure Special Officers maintain proper uniform and personal appearance while on duty the Hospital Police Operations Manual dictates that supervisors are to perform inspection at each roll call. The roll call inspection is in addition to the formal inspection that occurs at least twice annually and the uniform locker inspection done to ensure each officer has all required equipment. The System does allow for exemptions from the Hospital Police uniform requires via submission of reasonable accommodation to the Office of EEO for either medical or religious reasons. Charging Party made no such request. Charging Party's assertion that the System intended for her to have a miscarriage when she was told to tighten her belt is not supported by any evidence nor is it evidence of any discrimination.

V. Charging Party Never Requested an Accommodation Regarding Bathroom Breaks

By Charging Party's own admission during her EEO interview she never requested an accommodation permitting the additional bathroom breaks she said required. During that interview Charging Party's also admitted that when she asked her healthcare provider for a medical note to support an accommodation request for bathroom breaks she was told by her doctor that no note would be provided because she did not have a medical condition that warranted a medical note. Any claim that Charging Party's bathroom breaks were not accommodated is belied by Charging Party's failure to identify a disability that required an accommodation as well as her failure to request an accommodation.

VI. Charging Party Was Not Subjected to Age Discrimination

Charging Party alleges that on September 24, 2021 she submitted her vaccine card to Melendez. Charging Party asserts that after submission of the vaccine card, which listed her age and birthdate, she began to receive negative comments about her work performance. The System was under the New York State healthcare workers vaccine mandate and required all staff to be vaccinated against COVID-19 and submit proof of vaccination, if vaccinated outside of the System to the OHS via an online portal **[Exhibit F- September 8, 2021 HR Guidance regarding vaccine mandate]**. If vaccinated within the System vaccination information would be automatically obtained by the System. There was no requirement to provide a supervisor with a vaccination card.

On October 18, 2021 Desantis submitted an incident report documenting Charging Party failing to properly perform her job duties. Charging Party, who was assigned to Post 4 - Main Building's Entrance/Lobby Area, was allowing staff and patients to enter without identifying who they were **[Exhibit G- Hospital Police Statement Form]**. As King tried to instruct Charging Party Charging Party walked away from her and stood several feet from the post and continued failing to check anyone. Desantis noted this was an everyday occurrence with Charging Party and that he had, on several occasions, attempted to explain the post responsibilities and job functions but Charging Party failed to correct her behavior. Desantis opined that a return to academy for retraining may be necessary.

Charging Party, throughout her employment with the System, was deficient in her performance as a Special Officer. Charging Party's work performance was evaluated after six months; Charging

Party's overall evaluation rating was unsatisfactory **[Exhibit H- 11/19/2021 Evaluation]**. The Supervisor who completed the evaluation, Rosado, noted that Charging Party, "did not possess the necessary skill set to be an effective Hospital Police Officer and her lack of assistance during emergency calls will result in injury to herself or other staff members." **[Exhibit H- 11/19/2021 Evaluation]**. Rosado said that Charging Party had trouble grasping basic concepts and her performance was well below standards. The evaluation indicated that Charging Party "receives corrective instruction on Hospital Police Standard operating procedure on a daily, weekly and monthly basis by varied supervisors from all shifts as well as senior training supervisors with little signs of information retention" **[Exhibit H- 11/19/2021 Evaluation]**. It was also noted that Charging Party did not take instructions well, was apprehensive about assisting co-workers and had not assisted co-workers in emergency situations effectively. **[Exhibit H- 11/19/2021 Evaluation]**. Another component of Charging Party's evaluation was the Department Workplace Violence Competency Documentation completed by Rosado. On September 12, 2021, prior to the date Charging Party allegedly gave her vaccination card to Melendez, Charging Party was rated as Does Not Meet Requirements in multiple separate skill areas including but not limited to: identifies cascade of violent behavior escalation and demonstrates de-escalation techniques on the Department Workplace Violence Competency Documentation **[Exhibit H- 11/19/2021 Performance Evaluation]**. Notably, Rosado was not the supervisor who Charging Party allegedly gave her vaccine card to revealing her age and birthdate.

Charging Party's performance issues did not improve after her first evaluation. A second evaluation was drafted by Rosado for the time period of May 3, 2021- May 2, 2022 but this evaluation was not signed **[Exhibit I- Second Performance Evaluation]**. Charging Party's overall rating was again unsatisfactory and as the justification for the overall evaluation Rosado stated:

Officer Febrianti has not met the criteria of an effective Hospital Police Officer. Officer Febrianti lack of knowledge with regards to proper actions to take in emergency scenarios have left her co-workers concerned for her well being as well as there [sic] own. Off Tour supervisors have concluded that Officer Febrantis' [sic] lack of knowledge with the duties & responsibilities of a Hospital Police officer is apparent and a detriment to anyone depending on her assistance on a day to day basis.

Charging Party's allegation that she "received negative comments about her work performance" is accurate however, the reason for the comments was not as a result of her age as she alleged. The negative comments were because Charging Party failed to adequately perform in her role as a Hospital Police Officer as evidenced by performance evaluations and incident reports. Her work performance was so deficient that the department recommended termination. On April 12, 2022 the System mailed Charging Party a letter terminating her employment due to her failure to pass probation **[Exhibit J- Termination Letter]**.

VII. Charging Party Was Not Subjected to Any Acts of Retaliation

Charging asserts that she informed the System of a discrimination lawsuit against her former employer when she was interviewed for the role of Special Officer in April 2021, prior to being hired for the Special Officer position. Charging Party does not reveal who she allegedly provided

this information to and the System is unaware of any such disclosure. Charging Party also states that she met an unidentified person who took the Hospital Care Investigator (HCI) civil service exam and was number 586 on the list for the HCI applicant pool. Charging Party claims her own list number was 604. Charging Party states this unidentified person was hired in March 2022 and believes she should have been called from the list for the HCI role March or April 2022 but was not because she disclosed her pending discrimination lawsuit against a former employer. Charging Party alleges that not being called from the HCI list was an act of retaliation for having engaged in the protected activity of filing a discrimination suit against her former employer.

Even as alleged by Charging Party the System hired her after she allegedly disclosed her pending discrimination lawsuit against her former employer disputing any claim of retaliation. In regards to the HCI role, an HCI applicant pool was held on February 17, 2022. Applicants who attend the pool are interviewed on site for the position for which they were invited to interview. Charging Party was invited to the February 17, 2022 11:00 AM HCI applicant pool via email on February 3, 2022 using Charging Party's self-provided email address **[Exhibit K- Applicant Pool Interview Invitation]**. Charging Party failed to report to the pool and thereafter did not request to be restored to the HCI list. To date Charging Party has not contacted the System about restoration to the HCI applicant pool. Charging Party's failure to report to the pool and failure to contact the System regarding the HCI pool invitation has precluded Charging Party from further HCI pool invitations. The circumstances surrounding the HCI role do not support Charging Party's claims of retaliation.

CONCLUSION

In summary, Respondent submits that Charging Party was not discriminated against on the basis of age, sex or religion nor subject to retaliation.

The System accommodated Charging Party's religious accommodation request to the extent operationally permissible. Charging Party's expectation of immediate relief upon request was not feasible or reasonable given Charging Party's role as a special officer and the obligations of the Hospital Police department. The department was required to respond to exigent circumstances that were unpredictable and that response could not be abandoned to ensure Charging Party was provided post relief on request. In addition, as described above, Charging Party's work performance was deficient; there are numerous business records including two performance evaluations, an incident report and statements made by Charging Party herself as evidence of her deficient work performance.

If any additional information is necessary please feel free to contact me at (917) 848-3928 or stephanie.siaw@nychhc.org.

Respectfully,

Stephanie A. Siaw

Stephanie A. Siaw
Associate Counsel

REBUTTAL EEOC POSITION STATEMENT

RECEIVED

Summary of findings

2025 JAN -6 PM 11:49
U.S. DISTRICT COURT SDNY

Detective King knew my age during the middle of August, 2021 during locker room conversation with me. I saw her changing behavior towards me but I did not see any significant change the situation in HP Department because at the time she just regular officer who work at post 8 or patrolling post and as a senior trainer. I saw the significant change in my department when Officer Philip Central Command leave the desk on September, 2021 I believed because he refuse to take the covid vaccine and Detective King taking his position as Central Command Officer (See Exhibit C-12, Exhibit C-11, See Exhibit C-13). Since then I started having negative working environment from Captain Laboy, Sgt Blount, Sgt Rodriguez. One time when I requested to be relieved for prayers she told me I supposed to requested Sgt Rodriguez or field supervisors on duty the night before when the time during roll call. I told Sgt Rodriguez during roll call that I need to be relieve tomorrow morning in order to pray and Sgt Rodriguez said "We all pray to almighty God, We pray where we stand", "We can't stop the operation". Since that time I started having difficulties to be relieve for prayer and bathroom. One time I was told by Sgt Blount at my post that I need to hold my bathroom urges. I was called central command Officer Smith requested to be relief for bathroom urges and pray and Officer Smith stated that Sgt Blount told him to not relief me for my bathroom. I was walked out my post that day because nobody relieved me to do bathroom urges and need it to pray. I was instructed by central command to 10-2 report (to come upstairs to Hospital Police Quarter) Central command station. Sgt Blount asked me "why did I told about going to bathroom". I told Sgt Blount and Sgt Rodriguez that I need to use the bathroom urges and my stomach pain was so painful, and I can not capable to hold anymore. Sgt Blount stated she need it the doctors note if I will be using the bathroom every morning. I told Sgt Rodriguez and Sgt Blount that I need to pray too and Sgt Rodriguez said I suppose to request Captain Melendez to work in the morning shift because they do not have enough people at midnight to relieved me for prayer and bathroom. I believed 3 days or a week after this incident I was receiving a command to go to Captain Melendez office and when I went there Captain Melendez told me it was about I was walked my post the other day and I have to sign the paper of write-ups. I told him I have bathroom urges and stomach pain and I told him I need to pray too. He said I need to provide Doctors note if I will be using the bathroom every morning. I told him I need to pray too and he told me I have to tell Sgt Rodriguez about prayer. I told him that Sgt Rodriguez told me to move to morning shift so I can get relieve to pray because morning shift have more officers who able to relieve me for bathroom and pray. Captain Melendez stated that he can not move me to the morning shift because he has enough female officer to work in the morning shift but I found out he place 22 yrs old new young female officer (Officer Sultana) in December, 2021 to work in the morning shift (See Exhibit C-10) I believed I was refuse to work in the morning because of my age. After this incident I was place to work at post 2B which It was accommodated me for the bathroom and prayer but sometime I work at post 4 main lobby while Detective was off but in the end of January I was encountered difficulties to pray when I was told they eliminate post 2B from midnight shift but I found out they still post 2B but they assigned the post 2B to another officers, Since then I was started to working on post 4 main lobby permanently. I started having difficulties to be relief for bathroom and prayer. I sent the first email to Captain Melendez regarding I was getting relief late in order to pray On February 25, 2022 (See Exhibit A and Exhibit D) until all the incidents happened and cost me constructive discharge on 04/09/2022.

Discrepancies of Respondent response

On respondent response is incorrect on page 2, 2nd paragraph: line 6-8 stated:"

Charging Party was assigned to the midnight tour (12AM – 8 AM) and her supervisors were Supervising Special Officer Charlie Rodriguez ("Rodriguez"), Supervising Special Officer Anibal Rosado ("Rosado") and Special Supervising Officer Luis Desantis ("Desantis").

On July 26- August 7, 2021 I was on training officer at morning shift Tour 2 (0730 am to 1600) at Metropolitan hospital and I am off in the weekend(See Exhibit C-14 and C-15)

I was place on midnight shift tour 1 (11:30 pm-08 am)on August 09, 2021. During training at midnight shift I was trained by Detective King. I was told by supervisors that Detective King will trained me for midnight shift procedure(See Exhibit C-14 and C-15).

At beginning everything looks normal and onetime during locker room talk Detective king she told me that she have 4 grand kids and she's 44 years old. I was response to her that "me too" I told her that I am on that age range too but" I don't have kids". Since then she was acting differently and also the whole department such as Captain Laboy used to be nice with me and he started to be acting mean to me. I believe because of I revealed my age to Detective king because they don't want to older lady in Hospital Police Department. Detective king she was hired as Law enforcement at teenager. She was hired on the year 2005 in NYC Health + Hospitals and Officer Martinez was hired on the year 2001(See Exhibit B-4). This 2 officer is senior officers in Midnight shift but they very strict for relieved me for the bathroom break and prayer.

On respondent response is incorrect on page 2, 2nd paragraph, line: no.9-12 stated:

Complainant was tasked with responding to calls, particularly emergency calls and alarms within Metropolitan hospital and implementing security and safety measures to ensure the safety of Respondent's staff, patients and visitors to the facility

We were told during roll call that our tasked was limited to what our supervisors told us to do. We were told we can't arrest anyone if anything happened make sure get the supervisor involved and we're not allowed to arrest someone without supervisor authorization.

As special officers tasks on the respondent response stated that said I supposed "*responding the calls, particularly emergency calls and alarms within Metropolitan hospital* " but in real life I was told that my tasked must based what central command me to do or supervisors told officer on the radio or verbally to do.

For example, the central operations called on the radio based on the post assignment, "*ER unit please response to psych Emergency unit..*" when I used to work at post 2B I am a part of additional ER unit and I have to response this called. There are 2 part of ER unit(Post 2A, Post 2) and Post 2B is additional post for ER unit. Supervisor sometime stay in ER unit post 2 but not all the time. Central Command desk send the command to the radio for 10-08(response to particular area) "*Post 8,9,10 please response to 10-08 at 7 south*". We responded the call by the code. When responding the call during academy we were told we have to work together not alone and always request for back up, and My work performance based on what my supervisor asked me to do and I don't have authority to arrest anyone without supervisor involved.

I was told by supervisors during roll call briefing mentioned that we're not supposed to arresting anyone except supervisor must approve it or being called to the location.

On respondent response is incorrect on page 2, 2nd paragraph line: no. 12-15 stated:

Complainant was tasked with patrolling the facility, arresting those who violate the law, as necessary, upholding and reinforcing the System rules and regulations, reporting security issues, suspicious and/or unlawful activity, evicting loiterers and disorderly persons.

The respondent never assigned me to work on rotating job assignment or the opportunity to work on patrolling post or rotating job assignment such as post 8, 9, 10. I always assigned undesirable post 4 main lobby when post 2B was taken away from my assignment in the end of January, 2022.

The respondent response is incorrect on page 2, paragraph 2, line 16-17 stated:

Charging Party was assigned to Post 2 - Emergency Room Area and Post 4 - Main Building's Entrance/Lobby Area because she was a new officer

I never assigned to post 2 this statement is incorrect(See Exhibit T and Exhibit U my police memo book) my most assigned post at Emergency room is post 2B not post 2. This post 2B additional post and freedom post no need relieved for prayer and bathroom. I was told by Sgt Rodriguez during roll call that they eliminate post 2B from midnight shift in the end of January, 2022 but I found out they assign this post to another officer.

Post 2B is additional post for Emergency room. I work on Post 2A or post 4 main lobby sometimes but permanently I work at post 4 main lobby when they eliminate post 2B from my work assignment in the end of January, 2022.

The respondent statement is false statement when they mentioned they assigned me at post 2 because I am new because I have another officers who has lower seniority have the opportunity to grow and they are younger than me.

Officer Sultana, officer Martinez, Officer Gomez are new employees at NYC Health+Hospitals and they started working at NYC Health+Hospitals Metropolitan in December, 2021. They are younger than me and they lower seniority than me but they already assigned for patrolling post, rotating job assignment and work in different post(See Exhibit C-10). They treat me differently because of my age I was given unfavorable post 4 Main Lobby which is very hard for me for bathroom and prayer accommodation.

This post 4 main Lobby required relieved and when I was told when I need to use the bathroom I have to called supervisor which it was difficult working conditions for me I have to hold my bathroom for long hours. I was told I must provide the doctors note for bathroom accommodation when I was receiving the write-ups from Captain Melendez for walking out the post in order to go to the bathrooms and prayer in October 2021. Other officers have access the bathroom without any difficulties.

I don't have the same opportunities like other officers because of my age.

There are other officers who have the same date of hire like me on May 3, 2021 because we started academy together and graduated together from academy. There are 4 officers who have same date of hire as me. We graduated the same time from academy on July 23, 2021 and started working at NYCHHC

on July 26, 2021. Officer Chapagain, Officer Gutierrez, Officer McLaughlin, Officer Smith. All of these officers are younger than me and they already given the opportunity working on patrolling post and rotating job assignment and desirable working conditions within September, 2021. (See Exhibit C-15)

For example Officer Chapagain. He is younger than me He have the same date of hire as me on May 3, 2021 but he already have opportunity to move to another shift to tour 3 (03:30 pm.to 12 am) in October, 2021 (See Exhibit C-12 and Exhibit C-13) and work in different post but the hospital police department never let me to work on patrolling post and rotating job assignment where is more desirable assignment because this patrolling post is freedom post for bathroom and prayer. I already work there almost a year on April 09, 2022 but they still say I am new because of my age.

Officer McLaughlin he is younger than me and he already have assigned to work on patrolling post and rotating working assignment. I was left behind because of my age. (See Exhibit C-15)

Officer Gutierrez was younger than me and have the same date Hire as me and he already granted the position as Flex schedule officer at Post 2 Emergency room unit which only required 3 days a week working schedule for 12 hours shift (See Exhibit C-17 and Exhibit C-11). Officer Gutierrez transferred to NYPD in or December, 2021.

Officer Smith was younger than me he assigned working at Patrolling post in the beginning at September 2021 and rotating job assignment (post 9, post 10 and training as central command officer starting from October, 2021. But he leave the Department because he got a new job.

Why they assume I have poor my working performance but never assigned me in patrolling post or rotating job assignment like others to learn more and grow. I never assigned to patrolling post since I work there (see Exhibit T and Exhibit U). In addition they eliminate post 2B in the end of January by giving me unfavorable post (post 4 main lobby) this post requires relieved for prayer and bathroom. I don't have no problem for prayer time and bathroom when they assigned me post 2B because this post no need relieved but when they take away 2B from my assignment it's very hard for me to pray and bathroom.

Respondent response is incorrect on page 2 paragraph 2. Line :17-20, Stated:

those post assignments generally had officers nearby to provide Charging Party (as well as any other assigned officer) with assistance if needed. Relief, in the form of another officer, is required before an officer may leave their post

This statement not true. I always have problems for bathroom relieve many time I was told by central command officer and Officer Martinez said they don't have anyone to relieve me. It's very difficult to request the bathroom.

Many time I was denied the bathroom during my menstruation period time because I have discomfort stomach cramp need to go to the bathroom. I was told by Captain Laboy during roll call that I am not allowed to go the locker room after the roll call finish. This locker is the place I can use the bathroom, I was told by Captain Laboy I must go straight to the post even though the time 10 or 15 mins early

before 12 am because my shifts started at 12 am. if I work post 2B it's not going to be problem because I can use the bathroom at anytime because this post no need relieved but if I work on post 4 main lobby this post need relieved and my next lunch hour at 0200 am and I have to hold my bathroom until then. One time housekeeping said he will cover the post in order for me to go to the bathroom but I was told I can't asked housekeeping to hold the post because they're not police officers. I was told by Detective King that no bathroom after lunch but sometimes on my period I need it so. Detective Robinson and Officer Martinez were upset when I requested for bathroom. Officer Martinez said "we don't have anyone to relieve you right now". He said I must called supervisor but no one answered my called. I was refuse to use the bathroom many time sometimes I can hold but it's very painful especially when I have heavy periods my pads was soaked need to be change.

In addition I always relieve from my post 4 main lobby at 0800 am in sharp not early by another officer in the morning when I am finished my shift but I was required to started early at my post(post 4 main lobby)by Captain Laboy, Sgt Blount, they said I must be at my post 10 mins early to my post before my shift started or it's consider late. My shift started at 12AM but I have to be at post 4 main lobby early.

On respondent response is incorrect on page 2, paragraph 3: line: 1-4 Stated:

Charging Party identified as a Muslim and though she never submitted a written request for areligious accommodation regarding time to pray while on duty, the department had a standing verbal agreement with Charging Party ensuring that Charging Party was relieved from her post to pray

This response is incorrect because Captain Melendez and all supervisors never told me to submit a written request for a religious accommodation because I already told them many time during roll call briefing or verbally to central command and Captain Melendez. I told Captain Melendez through email and verbally(see Exhibit A). I already told verbally to Captain Melendez that I need accommodation to pray since October, 2021 and he said I need to speak to Sgt Rodriguez and tell them I need to pray. After this incident I was given post 2B(Additional post Emergency room Unit) and sometime I work at post 4 main lobby or Post 2A (Emergency Room Unit) but in the end of January Sgt Rodriguez said they eliminate post 2B from midnight shift but I found out they assigned this post to another officer.

Since they took my post 2B for me and I was place to work at post 4 main lobby every day when many time I didn't relieve on time in order to pray by Detective king.

I did request verbally to my supervisors at midnight shift(Sgt Rodriguez)central command(Detective King), and through email to Captain Melendez(See Exhibit A) . I sent email to Captain Melendez regarding my concern I did not get relief on time by Detective king(See Exhibit B). I told Captain Melendez verbally and through email that I need to pray on time to fulfill my religious belief obligations and I provide him the verse from the Qur'an that I must to pray on time(See Exhibit A) but Captain Melendez never asked me to fill up "a written request for a religious accommodation regarding to pray while on duty" instead he told me verbally on Post 4 main lobby in the morning of March 28,2022 between 0500- 0600 am that the Hospital Police department was not able to accommodate my earlier prayer time all the time, but after I send another email requested the verbal response on Post 4 main lobby verbal statement regarding that The department not able to accommodate my earlier prayer time

statement needed in writing Captain Melendez replied my email that he will investigate the allegations against Detective King. See Exhibit C

The respondent statement is incorrect: Page 2, Paragraph 3, Line : 4-5 Stated:

There were multiple officers in Charging Party's department who also identified as Muslim and were also accommodated by ensuring they were relieved to pray as their faith required.

Respondent statement is incorrect because They're another Muslim officer but my religious beliefs and obligations not based by other officers do it's personal connection with Allah.

Prayer is the Main pillar of Islam. I have to pray on time. It's my religious beliefs also those officers mostly they don't need relieved because their post not required relieved it's not like my post on post 4 main lobby I can't move or use the bathroom. I do not have easy accommodation in order to pray even though I already told Captain Melendez, Sgt Blount and Sgt Rodriguez many time about I need my bathroom and prayer time accommodation.

I. Charging Party's Internal Complaint

The respondent response is incorrect on page 2, Paragraph 4, Line: 5-7 stated:

On March 28, 2022 Charging Party again emailed Melendez stating Detective Tacora King ("King") was not able to accommodate her earlier prayer time.

This email not sent on March 28, 2022 this email sent on Sunday March 27, 2022 at 08:03 pm (See Exhibit B) But on March 28, 2022 in or around 05:00-0600 am I saw Captain Melendez passing by at Post 4 Main Lobby. I was asked Captain Melendez if he received my email which I sent to him On Sunday, March 27, 2022 at 08:03 pm. He said yes. He said to me verbally that the Hospital Police Department not able to accommodate the early prayer time all the time. See all sequence email on Exhibit D

On respondent response is incorrect on page 2, paragraph 4, line 7-8, continue to page 3, Line: 1 Stated:

On March 29, 2022 Melendez responded to Charging Party's email after a verbal discussion in which Charging Party acknowledged that being relieved late for FAJR prayer was not constant occurrence.

This statement is incorrect. This is constant occurrence On March 29, 2022 while Detective king was place on leave I was relieved on time to pray until when the Detective king coming back everything was change. I believed she was back from her leave on April 04, 2022 but she was not assigned at central command officer. I was received negative impact for not getting relieved on time in 5 days in row since then. On April 4, 2022 Central Operation Officer (P.O Agosto) said he doesn't have anybody to relieved me to pray. I was off on April 5 and April 6, 2022. On April 7, 2022, P.O Wood refused to give me accommodation when I requested to be relief in order to pray. P.O Wood told me on the phone that Sgt Rodriguez told him to relieve me late to pray and he transfer the call to Sgt Rosado. Sgt Rosado also told me that I will get relief from my post at 05:13 am in order to pray. I told him that time will be late for me to pray. I notified him I will walk out the post if nobody relieves me on time. Finally Detective King came to relieve me after I told them I will walk out the post. I had called out sick on (Thursday night to Friday Morning) April 8, 2022 because of pressure I had from my supervisors in my department and on

the same time I sent email to the CEO Hospital Administration (Michelle Figueroa, John Muniz, Captain Melendez) on April 7 at 12:57 pm(See Exhibit F) that I need accommodation to leave my post if nobody relieve me to pray. In this position, I had ongoing difficulties being provided relief and I notified my supervisors that if I was not provided relief in a timely and respectful manner, I may be forced to leave my post in order to do pray. I called out sick because I am not feeling comfortable the way they treat my prayer time as less priority . I didn't come on April 08, 2022 (Thursday night to Friday morning).

I did not attend the meeting set up by Captain Melendez because I was calling out sick on on April 08,2022 because the pressure not getting accommodation to pray on time on April 07,2022 and my department insisted me to walking out the post in order to pray in order to be relieved. The department not busy but My prayer time just not a high enough priority to them.

The respondent response is incorrect on Page 3, Paragraph 2, Line 1-4 stated:

Melendez responded to Charging Party's email on April 7, 2022 and explained that she was relieved at 5:00 AM by King which was enough time for her FAJR prayer and explained that the Hospital Police department has a Ramadan prayer schedule posted to assist with accommodating all Muslim Officers with their prayer times.

This statement is incorrect. On April 7,2022 I was called central command at 0445 am in order to relieve me to pray I was told by central command officer Wood that he was instructed by Sgt Rodriguez that I will be relieved pray at 05 13 am. I told him that time will be late for me to pray. Officer Wood transfer the call to supervisor Rosado and he said the department will relieve me to pray at 05 13 am. I told him that I will walk out the post if nobody relieves me and after that Detective King came when I almost walked out from my post. The central officer Wood didn't say Detective king on her way. I believe the department treat my prayer as joke because central command didn't say she was coming. The central command (Officer Wood) and Supervisor on duty(Sgt Rosado) stated that they were not willing to accommodate my prayer time until 0513 am which it will be too late for me to pray. For this reason I was asking the Hospital operation and Administration permission to walked out my post if nobody relieve to pray(See Exhibit F) because what they said is not the same about what they do. They said they were not willing to accommodating my prayer until 0513 am until I told them I will walking out the post and the Detective come to relief me.

The respondent response is on Page 3, Paragraph 2, Line 4-5 stated:

Melendez also explained that a meeting had been arranged with labor personnel to further discuss Charging Party's complaints

I sent the second email to reply Captain Melendez email regarding he wanted to arranged the meeting with Fahima Akhter and I reply the email sent On Thursday, April 7,2022 at 11:46 pm (see Exhibit E Paragraph 8 & 12):

Thank you so much for taking my complaint in a serious manner. I really appreciate Captain Melendez having arranged to solve the problem by setting up a meeting with Ms Fahima Akter tomorrow April 8, 2022 at 0900 but I prefer our conversation in writing instead of verbal meeting

because from my experience I learned that something we said is not the same as something in writing.

If Ms. Fahima Akhter still would like to set up a meeting with me we should do the meeting during my working hours before 0800 because 0900 is outside my working hours but if I will get paid for the meeting I don't mind. Especially during Ramadan time but I prefer to go home early. Thank you so much for your time. I hope we are able to solve this problem and will not repeat it again in the future

I did not attend the meeting set up by Captain Melendez because I was calling out sick on on April 08,2022 because I am not feeling well because the pressure not getting accommodation to pray on time on April 07,2022 and it seems my department insisted me to walking out the post in order to pray in order to be relieved. I know for sure the department not busy and my post 4 main lobby always safe and clear without undue hardship of the employer.

The respondent response is on Page 3, Paragraph 2, Line 1-2 stated:

Charging Party responded to Melendez's email on April 7, 2022 and alleging she was being retaliated against for having complained about not being accommodated for prayer and bathroom time

The situation was getting better while Detective King was on leave the conduct discontinued, but when she returned the behavior continued and escalated. When Detective King coming back from her leave the situation getting worse and All people in my department was against me. Prior I made a claim of Discrimination against Detective King. I only have problem with Detective King. Before Central Command (Officer Wood) never requested permission to Sgt Rodriguez in order to relieved me to pray but after Detective King comeback from her leave they said I will not getting relieved Until 05:13 am on April 07,2022 which it will be late for me to pray. Since Detective King comeback from her leave it seem very difficult to get accommodation in order to pray because they always said they will be accommodating my prayer time but in the real life they are giving hard time in order for me to pray. The department was not busy at all there were no incidents occur but they just not willing to accommodated my prayer time and bathroom.

Respondent response regarding my email about Sgt Blount: Page 3, Paragraph 3, Line : 5-9, stated:

At the time I was instructed by Sgt Blount to delay my bathroom because we were arresting someone but Sgt Blount's command to delayed the bathroom and prayer time is unacceptable, I have religious obligation to fulfill and Allah commanded to pray always come first and Sgt Blount command to hold my bathroom and prayer time come second

Sgt Blount mentioned to me that I can not pray because we were arresting someone but we arrested this person 4 hours ago and my post was clear and safe and the perp on handcuffs upstairs and the condition on my post was safe. Maybe Sgt Blount busy because she have to wait for DA phone call but She can't commanded me not to pray because we were arresting the person 4 hours ago and it was not

current condition at my post and this situation not happened on my post. My post at post 4 main lobby was safe and clear without undue hardship of the employer.

Respondent response regarding my email about Captain Melendez: Page 3, Paragraph 3, Line : 9-11, stated:

I have my rights to ask the pre- disciplinary warning for post abandonment to be removed from my file and I believed it was an unfair Pre-disciplinary warning."

Captain Melendez statement on his email On April 07,2022 at 04:33 pm stated:

I should first clarify that I personally never issued you a "written warning" as you mentioned. However, I do know that you have been having challenges with the job function of a hospital police officer and have received a pre-disciplinary warning for post abandonment months ago by your direct supervisors - which is effecting your probational evaluation. Please note that we will continue helping you in the areas of concerns, as we do with any officers having job performance issues.

This statement is not true because he did write me up in October 2021. Sgt Rodriguez called me on the phone to come to Captain Melendez office, and I was told by Captain Melendez to sign the write- ups paper about I was walked out from my post . The write-ups paper stated that this write-ups will forward to Department of Justice center. I told Captain Melendez the reason I was walking out due to pray and in need to go to bathroom urges. He did not give the copy of this write-ups and he did not give me the chance to read all of it but I saw this write-ups about my poor performance of walking out the post and It does not say the explanation why I was leaving my post. It just said that my poor working performance for abandoned the post.

The respondent response is incorrect on Page 3, Paragraph:4 , line: 1-3 Stated:

Charging Party did not attend the meeting Martinez scheduled with labor personnel.

Charging Party's email exchange with Martinez was referred to the Office of EEO and an internal EEO investigation was undertaken.

I was not aware my conversation with Martinez. Who is Martinez? Officer Martinez. But I never have exchange email with the person name Martinez. I am aware I have exchange email with Captain Melendez only about the meeting (see exhibit E).I never have email exchanges email with Martinez. In addition I did not attend the meeting because I was called out sick on April 08, 2022 because the pressure which I had in my working environment and the respondent giving hard time to accommodating to pray On April 7,2022.

The respondent response is incorrect on Page 3, Paragraph:4 , line: 3-6 Stated:

Despite Charging Party being asked to submit an official complaint using the System's EEO complaint form Charging Party neglected to so. Charging Party did participate in the investigation and was interviewed by the Office of EEO on April 13, 2022 where her only allegation was regarding her religious accommodation

At least I didn't refuse the EEO internal interviews with Steven Strauss on April 13, 2022 at 11:13 am for 50 Minutes and 7 second(Exhibit V). I filled the same EEOC complaint on the same day on April 13,2022 at 3 pm because I think he has a conflict interest with the respondent. I have rights to file the external EEOC complaint when I believed the EEO internal interviewer have conflict interest with NYC Health + Hospitals. I have limited opportunity to speak. I don't want to waste time with EEO internal because all the discrimination lawsuits have limited time frame to filled the charge. I don't believe EEO internal to solve my case because EEO internal interviewer(Steven Strauss) was more emphasize to my bathroom accommodation rather than give more effort to accommodated me to walk out my post in order to pray. I need to permission to pray because it is part of my religious belief if I can not pray I can not work there. Prayer is my everything. In addition while I was try to explained what really happened on 04/09/2022 and I am not capable to express and speak freely because he cut me off during conversation and he said " I will called you back" . I rather go outside agency such as EEOC who doesn't have any conflicts interest with the respondent.

In addition I have to filled the lawsuit to outside agency as part of requirement when I apply the Unemployment Benefits because there is the question on the form I have to filled out if I believed I was discrimination against I have rights to filled the complaint. I must filled the complaint to outside agency (EEOC or Department Of Human Rights).

The respondent response is on Page 3, Paragraph:4 , line: 6-8 Stated:

Charging Party complained that she had been relieved from her post late on several occasions and said that being relieved late interferes with her prayer time

I sent 2 separate email to Captain Melendez regarding Detective King who refused to accommodate my early prayer time on March 27,2022 at 08:03 pm(See Exhibit B & Exhibit G) and Captain Melendez verbal statement replied while he was passing Post 4 Main lobby : He stated that the Hospital Police Department not able to accommodate the early prayer time(See Exhibit G). I requested to mentioned in writing statement and I sent Captain Melendez another email on March 28,2022 at 08:55 Pm[See Exhibit G].

The respondent response is incorrect on Page 3, Paragraph:4 , line: 8-11 Stated:

Charging Party acknowledged that her practice is to notify central approximately five minutes prior to the time necessary to pray and central sends relief in response enabling her to use the bathroom and to pray. Charging Party said she is generally relieved but alleged that when King answers the call relief is sent late or fails to respond

I always called ahead of time not 5 mins before in order requested to be relieved for prayer but I did asked permission 10 minutes before prayer time is my cutoff to walked out the post if nobody come to relieve me from my post after April 07,2022 incident . I didn't called last minute to central command. Prior I filled complaint against Detective King Usually another officers at central command(Officer Wood) didn't argue with me and they send the relieved by calling the officer on the radio to relieved me. For example "post 9 please respond to post 4 for 62". 62 meaning break to pray or bathroom. In this case Detective king didn't do the same like other officers do many time she said "what time is prayer time and she said no you can't go " without giving specific reason. Sometimes she just hang up without replying something or sometime she yelled and she didn't called anyone on the radio to relieve me .

One time I called her back on the central command phone and I asked if she called anyone to relieve me and she said she don't like the way I talked to her. One time she yelled on the phone when I called her again she yelled on the phone "you need to stop harassing people". My prayer time late for 20 mins and I reported this incident to Captain Melendez (Exhibit B) and he didn't reply right away but I caught him walked at post 4 main lobby and he said verbally the department not able to accommodate early prayer time all the time. This happened consistently when Detective King working in the central. I am 100 % sure the department not busy at all and there's no 10-8 incident or any kind " exigent working conditions" as respondent as explain.

The respondent response is incorrect on Page 3, Paragraph:4 , line: 11, continue to page 4; Line 1-2 Stated:

On those occasions Charging Party leaves her post without permission and admitted she had been written up twice for leaving post without permission.

This statement is incorrect I didn't say I get write up twice for walking out the post . I get write up once by Captain Melendez back in or October, 2021 when I did not accommodate for bathroom urges and prayer time. I can not hold my bathroom anymore that day and I was late to pray that day because Sgt Blount said I must hold the bathroom and my prayer time because we have an arrest perpetrator somewhere and the perp on handcuff upstairs but we were arresting this individual 3 hours ago and I need urges for bathroom and also I have to pray . In addition I leave my post in safe condition without undue hardship of the employer. I told Captain Melendez I leave my post because I need to use the bathroom because my stomach pain and I need to pray too.

In October 2021, I believed the respondent violated HIPAA law when Captain Melendez and Sgt Blount requested the doctors note when I was getting written up for walking out my post in order to relieve my have bathroom urges and pray . I believed It's illegal for employer to request the doctors note because using the bathroom can not categorize as type as disability but it's human nature. Captain Melendez and Sgt Blount requested a doctors note to disclose my medical records information in order to receive bathroom accommodation it's illegal because I have rights not expose my medical records as extent to necessary. I believed in this situation was not necessary to provide my medical records if they give me fair working assignment like other new employees who already assigned to rotating job assignment positions within one months and favorable working assignment. I was place at unfavorable working assignment which I was assigned to work on the post which required relieved all the time. All of these happened because of my protected activity (my age). In addition I was place to unfavorable working conditions at post 4 main Lobby when the respondent have knowledge of necessity to pray and need to use the bathroom for ablutions.

I believed my right as woman was violated when I was denied the bathroom because women always have monthly sickness which menstruation. The respondent said I must provide doctors note for bathroom accommodation is illegal and violating my rights as woman. The typical of menstruation for me made me want to use restroom because I have to relieve something because of stomach cramp. In addition when I have heavy flows and my pads soaked I am in need to change the pads because can cause infections.

The respondent response is incorrect on Page 4, Line 2-8 Stated:

Charging Party also alleged that she is prediabetic and said she needs to use the bathroom often but admitted she has never completed a reasonable accommodation request and never provided supporting medical documentation regarding her bathroom use. Charging Party told EEO, during the interview, that she requested a doctor's note but was told by her doctor that no note could be given as she did not have a medical condition that supported a medical note. Charging Party did not seek to include an allegation of failure to accommodate any medical condition in connection with EEO's review

The respondent statement is incorrect, during EEO interview I did say that "I don't want to blame NYC Health Hospitals for having Prediabetic ". I did not say I need to use the bathroom accommodation more often but I am more emphasize for my prayer time because I was struggle to my accommodation to pray. I did not want to request another bathroom accommodation when my prayer time was having difficulties to be accommodated. My prayer is my everything and part of my religious obligation if I delayed my prayer will be big sin for me.

See Qur'an verse and Hadith about the prayers:

*"Woe to the worshippers who are unmindful of their prayer. Those who delay their prayer".
(Quran 107:4-5)*

*It's a horrible sin to delay or ignore Al- Salah, so Allah Almighty warns us from that, He says :
"Woe to those who pray, who are heedless of their prayers (delaying them from their prescribed times)". [Al-Ma'un -4,5],*

*"Surely the Salat at fixed hours (of the day and night) has been enjoined upon the believers."
(Surah an-Nisa, 4:103)*

Umar ibn al-Khattab (RAA) reported that a man asked the Prophet (SAW): "Messenger of Allah, what action is dearest to Allah Most High?" The Prophet (SAW) replied: "Prayer at its proper time. The one who does not pray has no religion. Prayer is the main pillar of the religion (of Islam)." (Baihaqi)

The Prophet (SAW) said: "The first thing which will be judged among a person's deeds on the Day of Resurrection is the prayer. If that is in good order, he will pass the test and prosper, and if that is defective, he will fail the test and be a loser." (Tirmidhi)

The Prophet (SAW) said: "The covenant between us and them (that is, believers) is prayer, so if anyone abandons it he has become an infidel." (Ahmad, Ibn Majah, Abu Dawood, Nisai, Tirmidhi).

*The Prophet (SAW) said "What lies between a man and infidelity is the abandonment of prayer."
(Muslim)*

And he said: "If anyone abandons prayer deliberately he has no claim upon Allah" (Sunan).

Allah most High says: "Then there succeeded them a generation which neglected prayers and followed lusts. They will meet with destruction (Ghayy), excepting the one who repents and believes and acts righteously". (Quran 19:59-60)

"Abdullah asked the Prophet Muhammad (SAW) "Which deed is the dearest to Allah?" He replied, "To offer the prayers at their early stated fixed times." (Sahih al-Bukhari 527).

The Prophet of Islam (blessings of Allah be upon him and his family) told Imam 'Ali (peace be upon him) that, "With complete and proper Wudhu', stand up for the Salat at its prime time, and do not delay it from its appointed time because delaying the Salat without a (valid) reason brings about the wrath of Allah."

Praise be to Allah.

It is not permissible for a person to start praying when he is resisting the urge to urinate or defecate, because the Prophet (peace and blessings of Allah be upon him) said: "You should not pray when food is ready or when resisting the urge to urinate or defecate." (Narrated by Muslim in his Saheeh).

Narrated Abu Aiyub Al-Ansari: The Prophet said, "While defecating, neither face nor turn your back to the Qibla(Prayer direction) but face either east or west." Abu Aiyub added. "When we arrived in Sham we came across some lavatories facing the Qibla; therefore we turned ourselves while using them and asked for Allah's forgiveness."

Abu Ayyub reported: The Apostle of Allah (may peace be upon him) said: Whenever you go to the desert, neither turn your face nor turn your back towards the Qibla(prayer direction) while answering the call of nature(bathroom), but face towards the east or the west. Abu Ayyub said: When we came to Syria we found that the latrines already built there were facing towards the Qibla. We turned our faces away from them and begged forgiveness of the Lord. He said: Yes.

In or October 2021, Captain Melendez writes me up for walked out my post for bathroom urges and prayer I was asked to provide doctors note by Captain Melendez and Sgt Blount for the bathroom accommodation. At the time I was not have prediabetic yet and the doctors can't provide me the note. I was diagnose prediabetic on December 2021 but at the time I was place in Post 2B where this post is additional post Emergency Room where I can go to the bathroom and pray at anytime because this post does not need a relieved but since they said they eliminate this post(2B) from midnight shift in the end of January,2022 it was really hard for me to pray and accommodation for the bathroom. I was place to work permanently at post 4 main lobby which is very difficult for bathroom and prayer accommodation because I need relief in order to pray and bathroom.

In addition I believed the respondent give me unhealthy working environment for my health being as woman and as human being which I am not aware of it until I leave the job. Since I left the job I am not longer have prediabetic conditions and I do not have suffer during my menstruation when I need to relieve myself or changing my menstrual pads for bathroom relieve when I need it. I would like to say that I do not want to blame my health condition but the working condition is unhealthy working

condition as woman especially not having easy access to use the bathroom for woman is very hard especially during menstruation cycle.

I disclose during eeo interviewer that " I don't want to blame NYCHHC hospital for me having prediabetic" . I didn't say that I need accommodation for bathroom because from the pattern experience, I was told I have to provide the doctors note in order to use the bathroom when I got written up or pre disciplinary warning In October 2021 but in end January I need more accommodation to pray because I was having difficulties accommodation for prayer and bathroom. I try to avoid bathroom as much as I can hold and Especially I try not to eating and drinking at my workplace during Ramadan in order to be giving the opportunity of accommodation for my prayer time because I put my priorities accommodation to pray above all. I need to pray because it's the declaration of my faith and the obligations for my religious beliefs. In Islam people who abandoned the pray it's considered disbelievers. The department not even accommodate my prayer time how I am going to request another bathroom accommodation. The respondent did not accommodate my prayer time because Sgt Rodriguez asked questions very critical in Islam. He asked to choose God or Job and he said "you need to clock out at 05 am today and comeback tomorrow if you will choose the job first". I told him today and tomorrow are the same I will choose Allah first and I give my ID, badge, key and all my police equipment to him. His question is infringement my religious belief because if I choose to work there meaning I will choose job over Allah which infringement my religious believe. This incident cause the constructive discharge because the respondent refuse to accommodate my prayer time become second priority even though my post was clear and safe without undue hardship of the employer.

When I was replace at post 4 main lobby in the end of January when they said they eliminate post 2B from my working assignment because it already became the pattern that I was not allowed to use the bathroom urges after lunch or before shift started because my prayer is more important than anything else. I need accommodation of my prayer time in order for me to work there. The department not busy at all . The respondent stated "The system" was busy not the condition because the condition on my post (Post 4 main lobby was safe and clear without undue hardship of the employer). Many time I have to hold my bathroom urges in order to give the opportunity to pray on time and sacrifice my bathroom in order to give accommodation to pray. I was sacrificing my eating and drinking in order to hold my bathroom and giving opportunity to pray. Even during Ramadan I did not eat my suhoor(Eating before Dawn)in order to be giving opportunity to pray on time. I need to use the bathroom to perform ablution and bathroom urges because In Islam I can not perform prayer while I have hold the bathroom urges.

In or October, 2021 ,Captain Melendez and Sgt Blount said I need to provide doctors note if I will be using the bathroom every morning. But I believe the respondent has invading my personal health privacy by asking my personal health information in order to be accommodated for bathroom. If I disclose to them my personal health information it's okay but my employer does not have right to invading my personal space by asking my personal health information under HIPAA law in order to be accommodated for the bathroom.

The respondent response On Page 4, Paragraph 1, Line:1-6 Stated:

Charging Party said that on April 9, 2022 she walked off post without being relieved and asserts that Supervising Special Officer Rodriguez, upon discussing her post abandonment told her this, "job was not for her. You have to choose between God and your job." Charging Party then turned

in her shield, ID, radio and keys but when asked if she was resigning said she was not. Charging Party never made any allegations regarding gender, sex or retaliation during her EEO interview

On April 13, 2022 The EEO internal interviewer(Steven Strauss) didn't let me finish when I said I leave my post without undue hardship of the employer when I am about to explain he cut me off and he didn't let me finish and he said he will called me back.

I believe the EEO internal interviews not able conducted the investigation in a good faith because the conflict interest he has with the respondent human Resources and in addition EEO internal office address was located at the same address of respondent human Resources at 50 or 55 water street, New York, NY 100012. During interviews he cut me off is kind of rude and I can feel the conflict interest with this interview that's why I filled discrimination with the outsider EEOC at 3 pm on April 13,2022 that day . At least I didn't refuse to the interview by EEO internal and also there's time limits in order to filled the lawsuit with EEOC and I don't want lose the time frame to filled the lawsuit against the respondent. He seems the EEO interviewer not in the middle side and I feel so distant and try to provoke the situation and say what he really wanted to hear from me. I do not have freedom speech and I feel so distant. In addition the EEO interviewer more emphasize to my bathroom accommodation rather than my prayer accommodation to relief my post. If I can not pray I can not work there. My religion is my everything.

One or 2 days from this incident(April 13, 2022) I was received letter in mail that my employment terminated. In the mail it said that I must returned all the police officers equipment but I already returned all the police equipment and my bulletproof vest on April 09, 2022 when Sgt Rodriguez told me this job not for you and you must choose between God or a job. He told me "you need to clock out at 05 am today and go home and think comeback if you choose the job first". I told him today and tomorrow are the same I choose Allah first and I give him all my shield, ID, Key and comeback downstairs to change my uniform to remove my bulletproof vest because my bulletproof inside my uniform garments. I give all the police equipment on the day of April 09, 2022.

The respondent response On Page 4, Paragraph 2, Line:1-6 Stated:

On August 10, 2022, prior to the conclusion of EEO's internal investigation the System's Office of Legal Affairs received the instant charge. As per the System's EEO policy when an external complaint is filed while an internal investigation is pending and the external is based upon the same allegations that comprised the internal, the System's response will be to the external complaint [Exhibit C- System EEO Policy]. As such there was no determination issued for Charging Party's internal complaint.

The EEO Interviewer(Steven Strauss) did not giving me any opportunity to speak freely and I do not feel comfortable to speak because he more emphasize to accommodation for bathroom but I need more accommodation to leave my post in order to pray. If I was not able to accommodated to pray I can not work there and my prayer is my everything . In addition he cut me off when I am about to explain to him about 04/09/2022 incident .I did not want to argue with him by saying "I am not finish" because I am not trying to be rude. He said he will called me back because he seems he does not want to hear what I will say or filled another subject of allegation on my interview. I was very busy because I need to apply food stamp, file unemployment claim to prove my discrimination case to labor board which I have to explain

the situation to labor board to explain what really happened in order to help me to pay my rent and I do not want to spend time with the internal investigation when I was received first class letter in the mail that I was terminated from the job. I rather go to external EEOC who able to hear my voice freely.

II. The systems not Granted Charging Party's Religious Accommodation Request

The respondent response is incorrect on Page 4, Paragraph 3, Line 1-5 Stated:

Charging Party's statements during her EEO interview reflect that she was provided an accommodation for her religious beliefs. Charging Party admits the department sent her relief as she requested to permit her prayers, however, there were instances where relief was not sent immediately after Charging Party made her request due to the exigent nature of the department's work

Respondent response statement is incorrect, the department not busy at all. I was told I was not being relieved not because of we are busy but because I believed they were not willing to accommodate because of the retaliation because I filled the complaint of Discrimination regarding Detective King. While the Detective King on her leave the condition was corrected I was relieved on time in order to pray but after Detective King comeback to the office, the situation getting worst. I was not provide relief in order to pray and even though the department not busy at all.

I was told the reason I was not being relieved because On 04/04/2022 Central Command(Officer Agosto) said He does not have anyone to relieved me to pray. My prayer was late that day due to I have limited time to use the bathroom and doing the ablution, I was off on 04/05/2022 and 04/06/2022. On 04/07/2022, Central command (Officer Wood) refuse to accommodated my prayer time when I was asked the central to relief me to pray. I am sure the department not busy at all because the radio communication was quiet as usual and my post was safe without undue hardship of the employer. I was told by Officer Wood that Sgt Rodriguez told him that I supposed to be relieved to pray at 0513 am and I told him that time will be late for me to pray. I told the central command(Officer Wood) I would walked out post if nobody want to relief me and after I told them I will walked out my post Detective King came to relief me to pray.

On 04/ 09/ 2022. I leave my post in safe condition on post 4 main lobby without undue hardship of the employer. This is not "due to the exigent nature of the department's work be. There was the incident happened at 0424 am but the condition was back to normal when I walked out my post at 0458 am. I called Central Command (Officer Jones) that I will walk out my post due no body relieve to pray and Officer Jones states that Officer Chapagain was on the way to post 4 main lobby so the condition in my post (post 4 main lobby) was safe and clear without undue Hardship of the employer.

I believed this is premeditated incident in order to not accommodating me not to pray that night because The Hospital Administration already received my email from me regarding I need permission to walked out my post if nobody came to relief me to pray(See Exhibit F). Regardless the incidents legitimate or not my post was safe and clear without undue hardship of the employer.

The 10-8 incident happened at 0424 am it was happened half hour ago. I walked out my post at 0458 am by notifying central command that nobody come to relieved me and My post was safe and clear without undue hardship of the employer.

During EEO internal investigations I am about to say something but he cut me off. During emergency it's allowed to leave post 4 main lobby unattended as long it's safe because on tour 2 morning shift (08 am to 1600) while I work on mandate over time at methadone clinic I was having 10-08 situation and Officer Echevarria leave post 4 main lobby unattended from there go to methadone clinic. I learned that it's okay to leave post 4 main lobby as long the condition is safe. I was asked him who at post 4 main lobby he said the central command said it's fine to leave it as long it's safe.

I did told central command(Officer Jones) when I leave the post due to nobody relieve to pray and central command (Officer Jones) stated that the officer Chapagain is on the way to post 4 main lobby. The officer was on his way to post 4 main lobby and it doesn't cost undue hardship of the employer.

The respondent response is incorrect on page 4, paragraph 3: Line : 5-15

As previously explained Special Officers respond to alarms within the facility. If there is an emergency requiring the attention of hospital police it would delay a response to Charging Party's request for relief. Such delays were unacceptable to Charging Party who said "prayers come first." The System provided Charging Party with an accommodation enabling her to pray but Charging Party's expectation that relief should be provided immediately upon her request, regardless of whether there was an emergency requiring hospital police response, was both unreasonable and an undue hardship to the System. The System is required to ensure the safety of its staff, patients and visitors which is the role of Hospital Police. It is unreasonable to expect the System to abandon that responsibility to ensure Charging Party is timely relieved for prayers. Instead, when there were exigent circumstances requiring the response of multiple officers, relief was provided as soon as hospital police could safely send a relieving officer to Charging Party's post

This response unfair to describe what really happened the situation at midnight shift not that intense like the respondent explained. The typical working conditions in midnight tour is not busy at all because all of the clinics close. Post 4 main lobby like ghost town empty on midnight shift and all the clinics are close and all lock down. The patrolling officers nothing to do after 0300 am because their job to make sure all the door is locked if unlocked requested the officer get the key from central command desk but it's very rare someone call for unlock because all the clinics are close. Most of the hospital employees have keys and it's very rare for them to called for unlock.

Only 4th floor main lobby is open for pregnant woman labor delivery only and the information desk open 24 hours at post 4 main lobby, other than that only Emergency Room open 24th hours.

The incident on 04/09/2022 it's very rare situation but regardless they said they were not able to accommodated my prayer time because the respondent stated "The system", "there were exigent circumstances" but I did not witness this condition at my post or anywhere else and my post 4 main lobby was safe without undue hardship of the employer. There were incident occur at 0424 am I hear on

the radio and this incident was happening half hour ago not happened on my post 4 main lobby . I was walked out my post at 0458 am in order to pray when the condition was back to normal.

The most important thing was I leave my post in safe condition without undue hardship of the employer. Many time Sgt Rodriguez prevented me not to pray because he said "what if" something happened if I prayed. I told him in Islam "what if" is the word of the devil. I told him that in Islam "what if" in Arabic we called "was was" something that not yet happened. Something that it's not yet happened meaning "Fear". Satan always put fear in our heart when we wanted to do good deeds (prayer). Hadith Prophet Muhammad SAW said tied your camel and relied on Allah. Everything in the hand of Allah. In Islam I have to pray on time and Allah command to pray come first and Sgt Rodriguez not to abandoned the post come second. I can not follow Sgt Rodriguez command because it will infringement my religious belief.

The respondent response is incorrect on Page 4, Paragraph 4, Line 1-4, Stated:

Melendez said that on April 9, 2022 at 4:33 AM there was a panic alarm requiring response from multiple Hospital Police officers. Melendez was informed that Charging Party abandoned her post, post 4 in the main lobby, after calling central at 4:45 AM seeking relief to pray. Charging Party's scheduled prayer relief time was 5:09 AM

The respondent statement is incorrect. There's no panic alarm from multiple officers because I didn't hear any beeps or buzzer from the radio. In hospital police radio there's red button and we called it panic alarm. The officers can push this red button in order of emergency if anything happened to them. But this incident not the panic alarm situation because I didn't hear any buzzer or alarm sound from my radio or anywhere else. This incident was 10-8 incident command from central (Response to specific Area) instead I hear the announcement from central command (Officer Jones)states on the radio "post 7,8 9,10 please respond to 10-8 to 7 south or 6 south something like that and I am not recalled the exact location.(Exhibit C-18)

The respondent statement is incorrect on 04/09/ 2022 I didn't called central command at 04 45 am but Officer Wood central officer called me from central to post 4 main lobby phone around 3 am or 04 am. He mentioned that he will be releived me to pray at 04 45 am. I didn't called them because I already told the rest hospital administration through email On April 07.2022 (See Exhibit H, Paragraph 8)that I need permission to leave my post if nobody relieve me to pray and I will notified central command that I will leave my post if they relieve didn't come. I leave my post at 04 58 am in safe condition without undue hardship of the employer. I can not get relieve to pray at 0509 am because it will be too late for me to pray because I need to use the bathroom and perform the ablution in order to pray and I have to go to 12th floor mosque and I have to pray on time

The respondent response is incorrect on Page 4, Paragraph 4, Line: 4-7, Stated:

Because all available officers were responding to the panic alarm involving a combative patient there was no officer available to relieve Charging Party. Rodriguez spoke with Charging Party who acknowledged abandoning her post, leaving the post without a covering officer, indicating that she had to pray and God comes first

On 04/ 09/ 2022. I leave my post in safe condition on post 4 main lobby without undue hardship of the employer. This is not panic alarm but this is 10-8 incidents. I was told by Sgt Rodriguez that just the

patient refuses the medication try to attack the nurse it's not life and death situation on my post 4 main lobby. During EEO internal investigations I am about to say something but he cut me off.

During emergency it's allowed to leave post 4 main lobby unattended as long it's safe because on tour 2(08 am to 1600) while I work on mandate over time at methadone clinic I was having 10-08 situation and Officer Echevarria leave post 4 main lobby unattended from there go to methadone clinic. I learned that it's okay to leave post 4 main lobby as long the condition is safe. I was asked him who at post 4 main lobby he said the central command said it's fine to leave it as long it's safe.

I did told central command when I leave the post on 04/09/2022 the central command (Officer Jones) stated the officer is on the way to post 4 main lobby. The officer was on his way and it doesn't cost undue hardship of the employer. I believed they created this situation because the hospital administration have plan to get rid off me and create the situation. Sgt Rodriguez asked me to login to my employees account on April 09, 2022 and have access to my email with my personal files. In addition on April 09, 2022 we have more officer than usual we have post 7 that's the red flag which means they premeditated the incident so if they fired me at 05AM they have enough people to cover me for that day(See Exhibit C-19). I did told the hospital administration on email on April 07, 2022 that I need permission to leave my post if nobody relieve me on time to pray(See Exhibit H). Regardless what they said I leave my post in safe condition without undue hardship of the employer.

In addition the 10-8 incident was happened half hour ago (0424 am) and I walked out my post at 0458 am when the central command officer (Officer Jones) stated that the officer on his way to post 4 main lobby locations and my post was safe without undue hardship of the employer.

Allah command to pray is my priority than Sgt Rodriguez command not to abandon the post. I leave my post in safe condition without undue hardship of employer.

In addition, central command operations able to monitor post 4 main lobby from different angle cameras CCTV from central command office upstairs. There are many CCTV cameras in the main lobby.

The respondent response is incorrect on Page 4, Paragraph 4 line: 7 continue to page 5: Stated:

Charging Party was told that the department makes all efforts to accommodate her prayer time but, in this instance, all available officers were responding to an alarm. Rodriguez told Charging Party she would be relieved of duty for the remainder of the tour because she abandoned her post. Charging repeatedly stated "God first" and then placed her shield, identification card and keys on Melendez's desk. When asked if she was resigning Charging Party said she was not resigning but "God comes first"

This statement is incorrect because the incident was happened at 0424 am and I walked my post at 0458 am when the condition back to normal. In addition I walking out my post without undue hardship of the employer. Allah command to pray is more priority than Sgt Rodriguez command not to abandoned the post. Yes Allah first I have to pray and I did notified the Central Command that I need to walked out my post due to nobody relieve me to pray and I was told by central command (Officer Jones) that Officer Chapagain was on his way to post 4 main lobby in order to relieve me to pray. The officer was on his way so it was not cause hardship of the employer.

The respondent response is incorrect on Page 4, Paragraph 4 line: 7 continue to page 5: Stated:

Charging repeatedly stated "God first" and then placed her shield, identification card and keys on Melendez's desk.

The respondent response is incorrect : I did not place my shield, ID card and keys on Captain Melendez's desk. This office not Captain Melendez office, This office where the rollcall briefing being held or this is supervisors office. Captain Melendez office located at the second door on the right when we enter the Hospital Police Headquarters Department.

The respondent response is incorrect on Page 5, line 7-9, Stated:

On April 11, 2022 Charging Party appeared at Metropolitan and cleared her personal property from her locker. No resignation letter was ever received from Charging Party but she did not return to work after that day, April 11, 2022

The reason I went to Metropolitan hospital on April 11, 2022 because I need to pick up my poor performance file which I left it on my locker room which Captain Laboy and Sgt Rosado gave me in November 2021. I am not able to print this poor performance from my account because I believe Sgt Rodriguez deleted from my poor performance file in the night when he requested access of my personal employee account on April 08, 2022 at approximately at 11:50 pm and April 09, 2022 at 0150am Because I saw my personal files evaluation was empty that's why I came to get my evidence of my poor performance file because of my age.

I did not resigned but I was discharge because of my religious belief. Sgt Rodriguez told me I have to choose God or Job is the infringement my religious belief because in Islam Allah always come first and Allah's command to pray is the most priority than Sgt Rodriguez command not to abandoned the post. Sgt Rodriguez told me I have to clock out at 05 am on 04/09/2022 and he said go home and think and come tomorrow if you choose job first. I told him today and tomorrow are the same I will choose Allah first and I give him my shield, radio, ID all my police possession. I was discharge because they were not willing to accommodate my prayer time obligations.

III. Discrimination based on Sex: Female

I believed my rights was violated as woman because I was told that I can't get pregnant within 3 months in order to be hired at NYC Health+ Hospitals. If my expectant to be pregnant is not the contingency of term of employment Dr Wilby should waive the requirement to take the vaccine as the term of requirement in order to get the job. She supposed to find another way how to give more accommodation in respect to my intention to be pregnant. She supposed to say "let me draw the blood to see if you are immune MMR vaccine. Dr Wilby did not have any intention to accommodation my intention to be pregnant instead she said if you didn't take the vaccine you didn't get a job,

I told Dr Wilby that I am expecting to be pregnant and I told her that I already took the MMR vaccine while I was in college. I told her that I will provide the documentation that I took the vaccine while I was in college. She told me whether I have the documentation I must take 2 MMR Vaccine but she supposed find a way to accommodate that I was expecting to pregnant but I was told if I did not get MMR vaccine I can not get a job. In this case Dr Wilby aware my expectation to be pregnant but I was force to take the vaccine in order to get a job.

In this case Dr Wilby emphasizes that my expectations to be pregnant becomes the term condition of contingency of the employment. If my pregnancy not the contingency of the employment Dr Wilby should say and give me another option not to take the vaccine because I was learned that draw the blood can detect whether I was immune to MMR vaccine or not.

I received the letter stated that the job offer under the contingency that I must fulfill pre-physical medical examination(See Exhibit X). I have to take the MMR vaccine in order to be hired in NYC Health+ Hospitals. Dr Wilby asked me if I was pregnant and I told her I don't know and she asked my urine and I wait outside and she called me back she said I have to take the MMR vaccine for this job and you can't get pregnant within 3 month. I told her that I am expecting to be pregnant and Dr Wilby said I can not get pregnant if you wanted this job.

Baruch College admission office told me that they can use the blood work in order to see whether I already immune mumps or MMR. There are no such thing She must force to take the vaccine again and the MMR vaccine good for a life time.

If the term of my intention to be pregnant it's not the contingency of the employment, Dr Wilby must find the way to be exempt from this MMR vaccine because my intention as woman I would be pregnant it's very significant because I will bearing the child. Dr Wilby should draw my blood instead and find out if I was immune to MMR vaccine. But In this case I believed to hold my pregnancy is the contingency of the employment because if my intention to be pregnant I can not get the job and I was force to take MMR vaccine when I told DR Wilby that I was expecting to be pregnant. When I was told I must hold my pregnancy in order to get the job.

As per respondent response that "the system provides candidates who have medical or reasonable accommodation" but Dr Wilby did not give me any accommodation to waive the requirement to take the MMR vaccine even though I already told my intention to be pregnant.

In addition The lady I met on OHS on March 4,2022 as new hire employee for Hospital Care Investigator Position and I believed her name is Mahmuda and her list no.586. She told me that the doctor did not asked her to take the MMR vaccine instead the Doctor just took the blood from her.

I was not giving the option to submitting any exemption form to submit in order to exempt from my pregnancy because I was expecting to be pregnant instead I was told that I can not get pregnant for this job because I need to take the MMR vaccine.

In this situation I believed my expectation to be pregnant decision become contingency term of employment in order to get the job. Even though I told Dr Wilby that I am expecting to be pregnant and I already took MMR vaccine when I was in Baruch College. She insisted me to take the MMR vaccine again or I will not offer for the job. It was very hard to swallowed when she said in order to get this job I have to abstain myself to be pregnant within 3 months. Dr Wilby did not give me any reasonable exemption for example draw the blood from me to find out if I was immune to MMR vaccine or accommodation for woman who expecting to be pregnant instead I was told if you plan to be pregnant within 3 month you can not get a job.

I believe the respondent has violated title VII employment discrimination base on my gender as woman not freely allowing me to use the bathroom because as woman I have a monthly sickness(menstruation). Captain Melendez and Sgt Blount said I should have doctors note in order to use the bathroom is violated my rights as women during my monthly cycle because using the bathroom during women cycle is human nature as woman. In addition I have to changed the menstrual pads in every 2 hours when I have heavy flows and if I am not changing the pads will cause infections .I discussed with my friend about how she feels during periods because I told her I have feelings going to the bathroom during my period because I feel like I want to go to the bathroom urges or peeing more during my period because of stomach cramp I have and she said she feels the same it's woman nature feeling that way during period. In addition the department not allowed me accommodate me for the bathroom can be the type harassment because of my age too I was feeling my working environment like jail to me. In addition bathroom and prayer are connected because I need to do ablution in order to pray . The respondent didn't accommodate my bathroom is related to my religious beliefs discrimination too because we must do ablutions with water before we pray and this ablution is a must or my prayer is invalid. In addition we can not pray and hold the bathroom urges because the Hadith Prophet SAW said:

The hadith Prophet Muhammad SAW mentioned:

The Prophet of Islam (blessings of Allah be upon him and his family) told Imam 'Ali (peace be upon him) that, "With complete and proper Wudhu(Ablution)', stand up for the Salat at its prime time, and do not delay it from its appointed time because delaying the Salat without a (valid) reason brings about the wrath of Allah."

Praise be to Allah.

It is not permissible for a person to start praying when he is resisting the urge to urinate or defecate, because the Prophet (peace and blessings of Allaah be upon him) said: "You should not pray when food is ready or when resisting the urge to urinate or defecate." (Narrated by Muslim in his Saheeh).

IV. Hospital Police Special Officers Dress Code

The respondent statement is on Page 5,Paragraph 2,Line; 1-5

Charging Party alleges that on June 30, 2021, while she was still in police academy completing training, Captain Anthony Padilla ("Padilla") told her to tighten her belt. This claim is time barred given the filing date of Charging Party's charge, July 28, 2022 and the date the alleged acts occurred. In addition to the allegation being time barred the allegation does not support Charging Party's discrimination claim

This claim is not time barred Hospital police Academy is considering the term and conditions of employment in order to be hired at NYC Health+Hospitals. In addition I filled the Charge with EEOC on submission initial inquiry on April 13,2022 at 3 pm(See Exhibit X and Exhibit Y)

The respondent statement is on page 5, Paragraph 3,Line 1-4, Stated:

Charging Party claims that she previously provided a note with a picture of a pregnant woman after a visit to gynecologist. Notably, Charging Party does not detail the contents

of the medical note, does not indicate the medical note confirmed a pregnancy and does not indicate to whom the note was provided.

The letter did not indicate of my pregnancy the note just indicated that I have doctor appointments and not able to come to work. The note has a picture of the pregnant woman and the note indicated from Health Care For All Women OB GYN doctor on the header note. I was provided the note to Hospital Police academy because I was told that we have to provide documentation if we are not able to come Hospital academy class. I give the first note(June 25,2021) to Alhia Haris when I was checking my pregnancy and the 2nd note(July 1,2021) I give to Detective Santa Lay when I was miscarriage. The note was provided from Health Care for All Women OB-GYN. The second note was provided from the same provider even though I was discharged from NY Presbyterian Hospital in Flushing, NY but the doctor giving me the note that contain my birthday and my age and I do not feel comfortable to disclose my birthday and I went to my personal Gyn Doctor at Health Care for All Women OB-GYN to request doctors note without my birthday written on it.

The respondent statement is on page 5, Paragraph 3,Line 4-5, Stated:

Charging Party also did not make this claim during her EEO interview regarding the internal complaint referred to EEO.

I did not discussed because the EEO interviewer because I did not able to give the opportunity to speak freely. EEO interviewer Steven Strauss from NYCHHC it seems he is interrogating me and asking questions rather than listening my complaint. I am not really having the opportunities to speak on my own to Express my own problems. He asked me questions rather than listening what I am going to say.

In the end of conversation I am about to say something but he cut me off. He didn't asked if is there anything I would like to say instead he said I will send you the form and I found out he send me the bathroom accommodation form and discrimination form but I need to the accommodations in order to pray. I need the accommodation to walk-out my post if nobody relieved me to pray. He said he will called you back but He seems not in middle position of this problem. He seems have "conflict interest" with the respondent and his address stated on his email is the address of Human Resources of NYC Health +Hospitals. 50 water street, New York. NY 10004.(See Exhibit V-1 and Exhibit V-1)

During EEO internal interview I did not know I was terminated until I found the letter in the mail that I was terminated so I just getting ready to filled for my food stamp, Unemployment followed up paperwork and filled the discrimination with EEOC Commission Agency.

The EEO internal interviewer (Steven Strauss) seems more on the respondent side. I believed he is Human resources of personnel because He did not let me to speak freely. I was dictated by him and he was asking me question twist my word around rather than understanding my problem.

I did participate with EEO internal investigations but so many time I was not sure if he really EEO or human resources of NYC Health+Hospitals. I don't feel comfortable on EEO internal investigations because he seems not on the middle side who try to solve the problems. The EEO interviewer seems he seems provoke the situation wanted to say what he really wanted me to say. He cut me off when I am about to tell him something. I feel so distant. He seems he try to provoke the situation and say what he really wanted me to say without hear my complaint politely. I was told to filled up the bathroom accommodation form after 50 minutes long conversation about I need accommodation to pray to leave

my post rather than just bathroom accommodation because I cannot work there if they are not accommodated me to pray. He said he will send the bathroom accommodations and this is not what I am really wanted. I need my prayer time and give permission to leave my post if nobody to relieve me. He said he will called me back but I don't think he will solve and understand my problem. After I received termination letter in the mail I just let go and apply for unemployment, food stamp and filled discrimination case with EEOC.

The respondent response on Page 5 continue to Page 6,Line :5-12, Stated:

However, Charging Party asserts that Padilla intended for her to have a miscarriage when he directed her to tighten her belt. Any comments made to Charging Party about tightening her belt, if they were in fact made, would have been done to ensure her proper appearance as required by her role as a Special Officer. As a Hospital Police officer Charging Party was required to wear a uniform while on duty [EXHIBIT E- Hospital Security Uniform Regulations]. The patrol uniform consists of an 8-point hat or patched blue baseball cap, long/short sleeve shirt (depending on season) and tie, pants, standard or semi tactical, trouser belt, duty belt, lack socks, black shoes and duty jacket (depending on season)

I believe my right as woman was violated when Captain Padilla told Detective Santa lay to fix my belt and I was forced to wear tight belt against my will because I will never put my belt so tight like that because I have baby inside but I need a job. Detective Santa Lay took me to the bathroom and she adjust the strap of my belt and it's little too tight. I went to classroom When I was sitting on the chair it feel so tight on my belly and I can't breathe freely but I believed they have knowledge of my pregnancy because the note has a picture of pregnant woman in heading note and have the name of the clinic "Healthcare for All Women OB Gyn".

Captain Padilla was sitting in the front facing me because of covid social distancing nobody sitting in from of me and Captain Padilla able to see me directly and he watching me to make sure I always have the belt on while I was sitting and so there's no change I will lose my belt because I have to remove the strap and readjusted in order to lose it.

I believed Captain Padilla have knowledge of my pregnancy because during lecture he mentioned that Hospital police administration able to access medical screening information without authorization of the individual plus I give my doctor's note with the picture of pregnant lady on the heading note pictures with the name of clinic provider "Healthcare for All women OB-GYN" on the doctors note. There were several employees who have the chubby belly and they were not subjected to tighten their belt and I just regular petite woman individuals but Captain wanted me to tighten my belt.

During academy there were another hospital police candidates who have big belly(Recruit Minor,Recruit Roberson, Hibler) but Captain Padilla didn't asked them to tight their belt. I am small figure woman with little bit have bigger belly than usual why do I have to tightening my belt. He said if you have belt like that I will take you upstairs meaning I will be dismissed from Academy.

The respondent response on Page 5 continue to Page 6,Line :9-12, Stated:

As per the Hospital Security Uniform Regulations Hospital Police Officers are to be well groomed as it is an element of professionalism while on duty. The regulations state: Uniforms are to be kept neat, clean and in proper repair. Shoes are to be shined [EXHIBIT E- Hospital Security Uniform Regulations]. To ensure Special Officers maintain proper uniform and personal appearance while on duty the Hospital Police Operations Manual dictates that supervisors are to perform inspection at each roll call. The roll call inspection is in addition to the formal inspection that occurs at least twice annually and the uniform locker inspection done to ensure each officer has all required equipment. The System does allow for exemptions from the Hospital Police uniform requires via submission of reasonable accommodation to the Office of EEO for either medical or religious reasons. Charging Party made no such request. Charging Party's assertion that the System intended for her to have a miscarriage when she was told to tighten her belt is not supported by any evidence nor is it evidence of any discrimination

I believe my rights as woman have been violated by enforcing tightening the belt as part of the Hospital Security Uniform Regulations. I believe, to enforce of tightening belt to woman is unacceptable and especially to force woman to tightening the belt against her will. The women might have childbearing or pregnant. I strongly believe that Captain Padilla have knowledge of my pregnancy because after my miscarriage I did not see him teaching the lecture almost one week and he was back he seems feel guilty what he did but Only Allah knows the unseen on people's heart.

During academy I hide my pregnancy in order to pass the academy which almost half way done and get this job. During Academy I provide the doctors note from my gynecologist doctor because I need to take the day off(June 25,2021) to go to the Gynecologist to check my pregnancy. I believed they were aware I was pregnant because the doctors note have a picture of pregnant women on the heading note but on the same week I was told to tight my belt. Captain Padilla upset with me during Police Academy on June 30,2021 he said "if you have belt like that I will take you upstairs" meaning I will dismiss from the academy.

I saw there were other ladies on my academy have loose belt but Captain Padilla didn't asked them to tight their belt because they are not pregnant. For example Recruit Minor and Recruit Robinson she have her belt loose like other ladies too. If the tightening the belt is the part of "Hospital Security Uniform Regulation" every one should instructed to tighten the belt but why I am the only one who was told will be dismiss from the academy because I have to tighten the belt.

Captain Padilla very upset with my belt and asked the Detective Santa Lay to fix my belt. Detective Santa Lay took me to the bathroom and she tightening my belt I can't breathe and I feel congested on my belly but I can't say nothing because I need the job. I went to the classroom while I am sitting I feel more tight on my belly.

I felt my Captain Padilla watch me a whole day when I was sitting to make sure I have my belt was on because I was seated on the third row or second row from the front where at the time we have to seat at covid social distancing rule and nobody seat in front of me so he can see me thoroughly. On the same day around 5 pm I got bleeding and I went to doctor at 08 pm and I stay 15 hours at emergency room and I got miscarriages. I was crying so hard because this is my first baby but I need a job.

Detective Santa Lay(Instructor) have loose belt too and many people didn't see anything wrong with my belt but Captain Padilla wanted me to tight my belt.

V. Charging Party Requested an Accommodation Regarding Bathroom breaks but the request was denied

On respondent response on Page 6, Paragraph: 1, Line : 1-8 Stated:

By Charging Party's own admission during her EEO interview she never requested an accommodation permitting the additional bathroom breaks she said required. During that interview Charging Party's also admitted that when she asked her healthcare provider for a medical note to support an accommodation request for bathroom breaks she was told by her doctor that no note would be provided because she did not have a medical condition that warranted a medical note. Any claim that Charging Party's bathroom breaks were not accommodated is belied by Charging Party's failure to identify a disability that required an accommodation as well as her failure to request an accommodation

I never requested additional bathroom breaks because I did not give easy access to pray so I try to not to request bathroom so I will be giving a accommodation to pray but I believed they do not want accommodating both.

I believe the respondent has violated title VII employment discrimination base on my gender as woman not freely allowing me to use the bathroom because as woman we have a monthly sickness(menstruation). The respondent said I should have doctors note in order to use the bathroom is violated my rights as women during my monthly cycle because using the bathroom during women cycle is human nature as woman. In addition we have to changed the menstrual pads in every 2 hours when we have heavy flows and not changing the pads will cause infections.

For female using the bathroom is a must especially during menstruation or pregnancy and employees have right not to expose their personal health information because she need accomodation of bathroom only as extent necessary. If I am consent to tell or expose my personal health information it's okay, but if I was told to provide the doctors notes in order to access the bathroom is wrong because urge going to the bathroom is human nature.

Also for my religious obligations in Islam we have to pray 5 times a day and before prayer we have to do wudhu(ablutions) with water is the part ritual of religious beliefs in order the prayer to be valid and we have to pray on time. It takes at least 5 minutes at least to do wudhu. In Islam religion we are not not allowed to hold the bathroom urges when we pray and we have to pie to make sure we're clean because clean is the part of iman(Faith) in Islam. The hadith Prophet Muhammad SAW mentioned that:

Praise be to Allah.

It is not permissible for a person to start praying when he is resisting the urge to urinate or defecate, because the Prophet (peace and blessings of Allah be upon him) said: "You should not pray when food is ready or when resisting the urge to urinate or defecate." (Narrated by Muslim in his Saheeh)

I believed the respondent violated title VII employment discrimination for denied the bathroom based on my gender as female, my religion is Muslim, forcing me to reveal my personal health information or HIPAA violation in the workplace breach and harassment because my age.

VI. The respondent was subjected to the Age Discrimination

The respondent response is incorrect on Page 6, Paragraph 2, Line 1-8 Stated:

Charging Party alleges that on September 24, 2021 she submitted her vaccine card to Melendez. Charging Party asserts that after submission of the vaccine card, which listed her age and birthdate, she began to receive negative comments about her work performance. The System was under the New York State healthcare workers vaccine mandate and required all staff to be vaccinated against COVID-19 and submit proof of vaccination, if vaccinated outside of the System to the OHS via an online portal [Exhibit September 8, 2021 HR Guidance regarding vaccine mandate]. If vaccinated within the System vaccination information would be automatically obtained by the System. There was no requirement to provide a supervisor with a vaccination card

This statement is incorrect I did not want to submit the covid vaccine card to Captain Melendez but he requested the card even though I already told him I submit the card to OHS on the 6th floor and He told to submit the card to him too . He text my personal phone :551 227 5319 and He text me from his phone:3473667746 and giving me his email address :Adrian.melendes@nychhc.org. I send the covid vaccine card to his email and take a picture send it to his phone. Please see Exhibit I

The respondent response is incorrect on Page 6, Paragraph 3, Line 1-9 Stated:

On October 18, 2021 Desantis submitted an incident report documenting Charging Party failing to properly perform her job duties. Charging Party, who was assigned to Post 4 - Main Building's Entrance/Lobby Area, was allowing staff and patients to enter without identifying who they were [Exhibit G- Hospital Police Statement Form]. As King tried to instruct Charging Party Charging Party walked away from her and stood several feet from the post and continued failing to check anyone. Desantis noted this was an everyday occurrence with Charging Party and that he had, on several occasions, attempted to explain the post responsibilities and job functions but Charging Party failed to correct her behavior. Desantis opined that a return to academy for retraining may be necessary

This statement is incorrect and also this exhibit " [Exhibit G- Hospital Police Statement Form] " not on the position statement file . [Exhibit G- Hospital Police Statement Form] is missing from the respondent response evidence. I did not see Exhibit G- Hospital attach with "Position of Statement" . I already notified Miss. Madeline McGrath through email and phone regarding this missing exhibit.

This incident On October 18, 2022 it's false statement because supervisors and Captain Melendez never mentioned this incident. In my personal file that I didn't check ID is not the truth statement because I always strict and stern about checking ID. In addition I do not have any knowledge of this incident.

See Exhibit A4, Police Memo book. According to my police memo book Sgt Desantes and Detective King Never approached me about I failed "Charging Party, who was assigned to Post 4 - Main Building's Entrance/Lobby Area, was allowing staff and patients to enter without identifying who they were".

I have several argumentative confrontations with Detective King but I am not recall which one was the October 18, 2022. (See Exhibit Z)

I saw exhibit Z on my negative performance did not indicated the time and the date the incident occurred. I believed the writer signature was Detective King and Investigating Officers was Sgt Desantes.

On statement of acknowledgment stated on Exhibit Z:

I affirm that all the faces set forth in this document are true, complete and Accurate to the best of my knowledge and belief, the facts that I have provided are mine and were provided without being influenced by any other party. False statement in this documents are punishable as a class A misdemeanor pursuant section 210.45 of the penal law.

This write-up statement was false statement against me because I never notified about this incident what really happened that day and this false accusation against me. I saw this paper but I do not know what is all about because I can't read Sgt Desantes hand writing and also there is no indicated the time and date of the incident.

I never have knowledge of this October 18, 2021 until the respondent mentioned on the position statement and this statement was false statement against me because I did my job task very well especially identifying staff and patients who enter into building. I believed the Hospital Police administration has abusive their police power to create negative performance against my reputation because of my age.

All supervisors never approached me about this matters regarding October 18, 2021 incident. I am not aware this incident was on my file. I saw the incident on my file but there is no date or time of the incident occurred (See Exhibit Z) but I can't read the hand writing Sgt Desantes I do not know what it's all about but now I know when the respondent *response "was allowing staff and patients to enter without identifying who they were"* This the facts of the abusing power of police officer because this statement are false statement against me.

On respondent response regarding SGT Desantes states " *this was an everyday occurrence with charging Party" and that he had, on several occasions, attempted to explain the post responsibilities and job functions but charging party failed to correct his behavior*".

This statement was false statement ,Sgt Desantes never approached me about October 18, 2021 incidents the whole department have knowledge about how stern I am about checking ID for employees. About the patients they can enter without ID because against the law to refuse the patients into building hospitals that's what they told me during training. I did asked the patients if they' have appointments and we let them go. This is what other officers train me and do.

During academy I was told that the officers can lose their job by misuse their police power and lying about statement by saying "this was everyday occurrence" I failed to perform my job duties. I believe the hospital police administration at midnight tour supervisors have neglected their integrity by creating untruthful and false negative working performance on my file because this statement is not true I know my job task as Police Officer I have to check people ID and identify the individual who enter building.

Captain Melendez never discussed or other supervisors never discuss this matter about October 18, 2022(See exhibit Z) incident to me but I realize the negative evaluation was on my file without time and date indicated so I believed all of this statement because of my age. I believed the Detective King did this to create the negative working performance. I do not remember what happened many time she came to me and she said "this incident will be on my file".

In October, 2021 Captain Melendez never discussed about I failed to check ID at post 4 main Lobby and he called me to his office regarding I walked out from the post because my prayer time and bathroom only and never discussed about I failed to checking ID or patients ID at post 4 main lobby or Incident at October 18, 2021. I check on my police memo book(Exhibit A2) I was working at Post 4 Main Lobby but I did not see any indication that Sgt Desantes emphasizes about to I did not check ID for employee or the patients.

This write-ups I believed was set up by Detective King because Many time she was angry without valid reason. I believed because of my age because she know my age and she told me "it's going to be on your file" but I did not know what I have done wrong because I try my best to performance my job task. Their accusations are false statement against me . I always do my job task and check for employee ID and not letting unauthorized people to enter to the building.

This is not facts but their opinion about me. The facts I always do my job . My poor performance base on their opinion about me. Opinion can be biased base on favoritism and my protected activity(age). I believed all negative performance from Detective King because she told me "It's going to be on your file" for something that I did not know about.

I have recalled many interaction with Detective King this way but I do remember this incident that Supervisor Desantis came he asked me what happened with Detectives King because Detectives king told him to come to post 4 main Lobby and I explained to him about the situation and he said don't worry about it. He did not say he will give the negative performance for this and he said don't worry about it. For this matter I believed Sgt Desantes and Detective King have misuse their police power by giving the false statement about what really happened that day "*was allowing the staff and patients to enter without the identifying who they were*". I always do my job and understand my job task very well and they never came approach me that I failed to check people ID or let unauthorize patients without identifying who they were.

I believed the Detective King do not have respect for me because of my age. Many time she work at central command she did not reply my radio communication, refuse my bathroom, my prayer time, yelling on me in public. Many time she said "this thing is going to be on your file" for something that I do not have knowledge about.

Detective King not supervisors but she work at central command she have access to do things. I try to do my best because no matter I try to do the right thing but I always to be wrong. I was treated differently when I was refuse to see CCTV camera when I lose my jacket at post 2B at the time Detective King was assigned to Central Command that day when I went to office to filled the 10-57(Report of missing police jacket) with Sgt Desantes I was told to by Sgt Desantes to go to central command office to asked the time when the perpetrator took my jacket. I went to central command and Sgt Blount was there. She is not even looked at me at my face and asked her what the perp took my jacket and she said it was 4 am without seeing on camera(Exhibit A1). She didn't take the 10-57 report seriously by giving

me the wrong indicated time incident without seeing the CCTV camera. I was refuse by Sgt Rodriguez and Sgt Blount to see the CCTV camera because I know for sure the perp didn't took my jacket at 0400 because at 0400 I just arrived at post 2B and I believed the incident happened between 0415- 0420 am. They just give me the bad working performance based on their biased towards me because of my age.

One time I told Supervisor Desantes that the Detective king must act professional and not supposed to yell on me in public place. I asked Detective King "why so negative to me" and Detective King called Director of Hospital police Stellas on the scene too. At the time Stelas was at the main lobby and Detective King said to Stellas that "Officer Febrianti said I am so negative" and Stella's said to Detective King "you have right to say whatever you wants to her". (See Exhibit C-17)

One time during roll call Sgt Desantes said to me "Officer Febrianti you failed" Captain Laboy and command officer (Officer Martinez) was laugh so hard and Captain Laboy not able to hold the laugh I was there alone ridicule by them. Captain Laboy not able to speak during roll call and the rollcall was dismiss without Captain Laboy speaking because he keeps laughing with Officer Martinez.

Many time Sgt Laboy told me during roll call that "Mc Donald is hiring", "don't get you attitude here you're on probation". Many time the overtime list was wrong and I kept working mandate for 16 hours in 3 days in a week and I called Sgt Rosado he said he can not change the overtime mandate schedule.

Detective King knew my age before September 24,2021 while I was on training with her at the beginning on August, 2021 and we had encounter at our locker room conversation. She used to be nice with me and one time during locker room conversation she told me that she was 44 years old and she got 4 grand kids and I told her my age range same as her age and I said "me too but I don't have kids". Since this conversation I saw there's something change on her towards me and she was not longer nice with me anymore. Instead she confronted me "why you do this, "why you do that and many time she said this thing is going to be on your file". All of those incident unfairly to describe what happened.

I believed the respondent is correct maybe Captain Melendez knew my age from Detective King prior September 24,2021 but I started receiving the first write-up from Captain Melendez for walking out the post for bathroom and pray in October,2021 right after I submitted my covid vaccine card which contains my birthday and age to Captain Melendez on September 24, 2021.

The written warning given from Captain Melendez stated that "reported to Department of justice center". He didn't give the copy but He asked me to sign the papers because I walked out from my post. My write-ups did not mentioned that I walked out because I have urges bathroom and need to pray. The write-ups did not indicated that why I walked out my post. Indeed the reason of I walked out my post I need to pray and have bathroom urges.

The department said my performance unsatisfactory but not based on relevant facts. During Academy taught me that this job requires integrity, no drinking, no smoking, not use illegal substances, not misused the police power. I didn't commit one of this violations but I was told I am not competent for the job for something which is not clear.

I remembered one time Detective King came to Post 4 main lobby she was confronted me because I asked one employee to show her ID and Detective king react and she said why you asked her ID because she came from another side (Post 6 entrance or from 2nd Ave or Emergency Room entrance). I told her that I didn't know she came from another side as long as I know if she wanted to enter post 4

main lobby again, she need to show me the ID again. Detective king was confronted me and I told her I didn't see her when the lady leave the building and Detective king said I should recognize people who leave the building but I can't recognized because people wearing the masked so I can't recognized each individual if they leave building each one of them and they have to show me ID again if they want to enter post 4 main lobby. She reported this incident to Desantis and I explained the situation to Desantis what really happened but I didn't know if this incident was the one on October 18,2021 incident mentioned in adverse on my working performance filed negatively. Detective King and Sgt Desantes has abusing their police power by giving false statement about me. This incidents was false statement and my negative working performance because of my age.

So many time Detective King mentioned something like " this thing it is going to be on your file". For something that's unfairly to describe what really happened.

While Detective King working in central she mentioned I can't go to the bathroom after lunch time. I was eating soup during my lunch hour made me want to go to bathroom. I listened to her by not eating and drinking during my working hours but she give hard time to give me relieve in order to pray too. Usually another officer who working at central command will called another officer on the radio to relieve me but she didn't call anyone. Even though I am really sure the department not busy at all because the radio communication quiet.

I called her again on the phone. She yelled and said " you need to stop harassing people". My prayer time was late 20 mins and this not a first time happened to me when she work on central command I have difficulties relieve for bathroom and prayer. That's why I send email to Captain Melendez but I received negative feedback he said the department not able accommodate the early prayer time all the time.

Respondent response On page 6, Paragraph 4: Line 1-2, continue to Page 7: Line:1-11

Charging Party, throughout her employment with the System, was deficient in her performance as a Special Officer. Charging Party's work performance was evaluated after six months; Charging Party's overall evaluation rating was unsatisfactory [Exhibit H- 11/19/2021 Evaluation]. The Supervisor who completed the evaluation, Rosado, noted that Charging Party, "did not possess the necessary skill set to be an effective Hospital Police Officer and her lack of assistance during emergency calls will result in injury to herself or other staff members." [Exhibit H- 11/19/2021 Evaluation]. Rosado said that Charging Party had trouble grasping basic concepts and her performance was well below standards. The evaluation indicated that Charging Party "receives corrective instruction on Hospital Police Standard operating procedure on a daily, weekly and monthly basis by varied supervisors from all shifts as well as senior training supervisors with little signs of information retention"

The negative performance stated that "her lack of assistance during emergency calls will result in injury to herself or other staff members." This is not truth statement because I never get injure while on duty and I never had any staff members was injured on my present while I am responding the calls with another officers. In addition, there were another officers while I was responded the call but I am the only one to blame.

One time when I used to work at post 2A Sgt Blount called me at my post and she instructed me to go to psych emergency unit. She didn't call it on the radios for others to come and she called me on the phone at post 2A to go to psych unit alone. I did not hear on the radio Sgt Blount instructed the patrolling post respond to the call because most 10-8 incident (post 8,9,10 also must respond the call). I went inside I was worried because I was alone and BHA was confused too because I came alone. I am so lucky that day I didn't get attack. Not long after that Sgt Rodriguez came. This incident the department might have put my life in danger I might have been attacked by the psych patients because most of the patients they don't like people with Uniforms (police officers). Sgt Blount have to put my life in danger by instructed me to go to psychiatric alone because during academy we were told don't ever go psychiatric unit alone because you might get attacked by them. In this case I believe the department doesn't care of my safety instead they don't like me because of my age because this incident type of harassment because of my age by put my life in danger by instructed me to Psychiatric unit emergency alone.

I learned from Hospital police academy that psych patients do not like police with uniform that's why during academy we were told that we're not allowed to go inside psychiatric facility alone unless we need to see from the glass window if another officer already there or wait for others to come before going inside psych unit and because we might get attacked but I was instructed personally by Sgt Blount to Psych unit alone.

During Academy I learned that we have to work together and do not look the fault of others. I was treated differently because of my age I was instructed to respond the 10-8 incident to psychiatric emergency unit alone by Sgt Blount. Definitely the staff members do not believed in me because I came alone to respond the call. Sgt Blount have violated my safety and staff members because During hospital academy I am not supposed to go inside the psychiatric unit alone because most the psych unit patients they don't like people with uniform.

I supposed to work together with another officers during 10-8 calls with patrolling post officer (Post 8, 9,10) and I learned from academy that always call for back up when you need it but I was treated differently and I was left alone because they believed I am not capable of the job because of my age.

Respondent response stated that *"her lack of assistance during emergency calls will result in injury to herself or other staff members."*

Many time during 10-8 incidents I was told to go back to my post by Sgt Desantes, Sgt Rosado and central command but in Camera CCTV it seems like I did not engaged with 10-8 incidents. I was told to follow instructions about what my field supervisors and Central command want me to do.

They believed I was not qualify because they do not want to work with me because I am not strong enough because of my age.

I believed all of this thing because of my age because many time during roll call they mentioned they need the "strong person" possible. I believed because of my age I am not qualified for the job but in police academy I learned that our job is not to beat up people our job is to make sure to make the environment keep in peace because our title as Peace officers is to escalated the situation using PMCS technique try not to escalate the situation in harm situation (See Exhibit C-16). But Hospital Department

believed that the tough one is the best. From my experience I learned that I am dealing the patients with kindness (PMCS) technique much better than using the bouncer technique.

The respondent response mentioned that my performance unsatisfactory but didn't explain why I am not good at. All of those negative evaluation was not the facts but it based on opinion because did not support with the actual incidents.

The department said my performance unsatisfactory but not based on relevant facts. There is no incident to support that statement *"My performance unsatisfactory"*. All my negative performance was dated on the same date on May 3, 2021 at 12:03 am (See Exhibit Q)

During Academy taught me that this job requires integrity, no drinking, no smoking, not use illegal substances, not misused the police power. I didn't commit one of this violations but I was told I am not competent for the job for something which is not clear.

They can give me poor performance based on their opinion because of their opinion can be biased because of protected activity (age) but the officer can get terminated must have clear facts why that I am not good. For example if I did substance or abusing police power that is clear facts but not in this negative performance just mentioned I am not good without any support of clear of evidence of incidents.

There's not clear facts that *"her lack of assistance during emergency calls will result in injury to herself or other staff members"*. There are no incidents support this statement. I believe all this negative performance unfairly to describe what happened many time I was told to go back to my post while 10-8 incident at post 2B many time by supervisors and central command. It seems like I was *"her lack of assistance during emergency calls will result in injury to herself or other staff members"*.

I never directed to response 10-8 incidents while I work at post 4 and I always assign to post 4 main lobby and I never giving opportunity to learn because of my age.

As respondent response that *"Charging Party did not possess the necessary skill set to be an effective Hospital Police Officer and her lack of assistance during emergency calls will result in injury to herself or other staff members."*

This statement is invalid because base on facts I never injury myself while on duty or other staff members. The second facts I always assigned to the same post everyday and I never have rotating job assignment like other new officers who younger than me.

The respondent should clarify which incidents because During Police Academy lecture that We are Police officers we have to stand together not alone.

During Police Academy lecture I learned that the officers will be terminated only if they abused the police power and do illegal activity and absent to come to work every day. I never commit this kind of evaluation. I believed this negative evaluation because of my age.

Respondent response is incorrect on Page 7, line: 9-17 Stated:

It was also noted that Charging Party did not take instructions well, was apprehensive about assisting co-workers and had not assisted co-workers in emergency situations effectively. [Exhibit H- 11/19/2021 Evaluation]. Another component of Charging Party's evaluation was the Department Workplace Violence Competency Documentation completed by Rosado. On September 12, 2021, prior to the date Charging Party allegedly gave her vaccination card to Melendez, Charging Party was rated as Does Not Meet Requirements in multiple separate skill areas including but not limited to: identifies cascade of violent behavior escalation and demonstrates de-escalation techniques on the Department Workplace Violence Competency Documentation [Exhibit H- 11/19/2021 Performance Evaluation]

The respondent response is incorrect I did not know anything about Incident of September 12, 2021 because I was off that day according to my police memo book (See Exhibit K). I received the first negative evaluation in November 2021. Sgt Rosado said that I was fail twice and He asked me to sign this paper. He mentioned people upstairs doesn't like you. He never go over about September 12, 2021. He just said they want to get rid off you. He said people "Upstairs" meaning Human resources and risk management office at 14th floor.

My negative evaluation was open by Human Resources Angela Mullett and Captain Melendez at first before it was open by Sgt Rosado account. SEE EXHIBIT J

I never open this negative performance because I already know they discriminated me because of my age from beginning. I always perform my job very well all the negative working performance were because of my protected activity. I always follow the rule and try my best at my working performance.

There are many discrepancies from my negative working performance which inaccurate. Please see Exhibit L(ANNUAL COMPETENCY-INFANT PROTECTION)

This negative working performance evaluation is inaccurate because I never done any patrolling post since I was hired. This task was patrolling post assignment. I did finish patrolling post training, but I never assign to any patrolling post.

I always assign to Post 4 Main lobby since the department eliminate post 2B from my working assignment and giving me hard accommodations in order to pray and bathroom and cause the adverse action of constructive discharge on 04/09/2022.

The condition of Post 4 Main lobby always empty because all the clinics are close except 4th floor labor delivery open to public but they give me difficulties to accommodate my prayer time and bathroom since they took post 2B from my assignment in the end of January 2022.

See Exhibit Q, all of this poor performance evaluation did not give any specific date or incident. All the date was written 05/03/2021 at 12:03 am. All the comments based on biased opinion about me and opinion are not facts. For example if the officer have illegal substance while on duty that is the facts but in this case Sgt Rosado, Sgt Desantes said base on their opinion about me. Opinion can not categorize as facts because everyone opinion was different sometime can be biases because of my protected activity (Age, Sex, Retaliation, religion).

See Exhibit L: Annual Competency Check(See Exhibit C-13 and C-12)

| Competency | Date Observed | Pass/Fail/Not Applicable |
|---|---------------|---|
| Officers are...Code Pink Alarm <u>book(see Exhibit K)</u> | 09-12-21 | Fail : I am off according to police memo |
| Cancel Code Pink... | 09-24-21 | Fail: I never did this observation(Exhibit M) |
| Officer Detain... | 10-6-21 | Fail: I never did this observation(Exhibit N) |
| Dispatch officer to investigate | 10-18-21 | Fail: I never did this observation(Exhibit O) |
| All officer...IPS area.. | 10-29-21 | Fail: I never did this Observation(Exhibit P) |

This statement is false statement . I always work on the same post (post 4 and post 2B and post 2A sometime). This observation was for patrolling post officer. I never assigned to do this code pink alarm. According to my memo book I did not do this observation.

I did not know about Incident on September 12,2021 because according to my police memo book I was off that day. **See Exhibit K**

I believed I was given the negative evaluation because they do not wanted me to grow. I never given the opportunity like new younger employees . I was never assigned to patrolling post and any other rotating job assignment instead I always assigned to post 4 main lobby where I was having the difficulties in order to use the bathroom and pray,

I don't have the same opportunities like other new officers because of my age.

There are other officers who have the same date of hire like me on May 3, 2021 because we started academy together and graduated together from academy. There are 4 officers who have same date of hire as me. We graduated the same time from academy and started working at NYCHHC on July 26, 2021. Officer Chapagain, Officer Gutierrez, Officer McLaughlin, Officer Smith. All of these officers are younger than me and they already given the opportunity working on patrolling post and rotating job assignment and desirable working conditions within September, 2021. **(See Exhibit C-14 and C-15)**

For example Officer Chapagain. He is younger than me He have the same date of hire as me on May 3, 2021 but he already have opportunity to move to another shift to tour 3 (03:30 pm- 12 am) in October 2021 and work in different post but the hospital police department never let me to work on patrolling post and rotating job assignment where is more desirable assignment because this patrolling post is freedom post for bathroom and prayer. I already work there almost a year on April 09, 2022 but they still say I am new because of my age. **(See Exhibit C-13 and Exhibit C-12)**

Officer McLaughlin he is younger than me and he already have assigned to work on patrolling post and rotating working assignment. I was left behind because of my age. **(See Exhibit C-13 and Exhibit C-15)**

Officer Gutierrez was younger than me and have the same date Hire as me as May 3,2021 and he already granted the position as Flex schedule officer which only required 3 days a week working

schedule for 12 hours shift. Officer Gutierrez transferred to NYPD in or December, 2021. (See Exhibit C-17 and Exhibit C-11)

Officer Smith was younger than me he assigned working at Patrolling post in the beginning of September 2021 and rotating job assignment (post 9, post 10 and training as central command officer starting from September 2021) (See Exhibit C-13 and Exhibit C-15). But he leave the Department because he got a new job.

Why they assume I have poor my working performance but never assigned me in patrolling post or rotating job assignment like others to learn more and grow. I never assigned to patrolling post since I work there. In addition they eliminate post 2B in the end of January by giving me unfavorable post(post 4 main lobby) this post requires relieved for prayer and bathroom. I don't have no problem for prayer time and bathroom when they assigned me post 2B because this post no need relieved but when they take away 2B from my assignment it's very hard for me to pray and bathroom accomodation.

I believed I didn't get the same opportunities like other officers to grow and develop in the company. They wanted to me to be failed. I have right to be given the opportunity to learn but they never give me the opportunity instead they just assuming and said I am not qualified because of my age and give me negative working performance without supporting evidence of incident. How I will learn if they never assigned me in rotating working assignment or patrolling post assignments,

They never assigned me patrolling post or other favorable working conditions to accommodate my prayers time and bathroom. In the worst situation when she took post 2B from working assignment. When Detective king on her leave Sgt Rodriguez told me that's why I give you post 2B so you can pray he seems he try to say the Detective King who the one remove post 2B from my assignment.

During academy I was taught that police officers can get terminated if they misuse police power, killing innocent people, lying(not telling the truth about the incident), use illegal substance, smoking, drinking, do illegal activity. In this case I didn't do those illegal activities.

During academy I was told that the officers can lose their job by misuse their police power and lying about statement by saying "this was everyday occurrence" I failed to perform my job duties. I believe the hospital police administration at midnight tour have neglected their integrity by creating untruthful and false statement about me and cause negative working performance on my file and cause the adverse action employment reputation on my file.

I believe all those negative evaluation based on their opinion not base on facts. Sgt Rosado and Sgt Desantes did not stated which incidents I was not good at and in Islam accusation must have 4 witnesses to be valid. The CCTV can be deceptive because many time during 10-8 while I was assigned at post 2B I was instructed to leave the scene to go back to my post and Sgt Desantes or Sgt Rosado or central command instructed me (the field supervisor) to go back to my post.

One time during 10-8 incidents at post 2B I was commanded by Sgt Desantes and central command (Officer Martinez) to perform unlock the morgue in the basement to relieve the dead body to OCME. This is not part of my task because I was assigned to post 2B. This task supposed to be assigned to patrolling post who suppose to perform unlock is the part of their job assignment. In this case in the

camera it seems like I leave the scene of 10-8 incidents but I was instructed to do it because In Hospital Police Department I have to follows what central command do and not do.

One time during 10-8 at post 2B I was told by Sgt Rosado to go upstairs to 8th floor police headquarters to pick up the face shield. In this case I look bad in camera CCTV but the facts I Just follow what they instructed me to do.

One time at the ER unit during the interaction with the patient who refuse to leave during the discharge Sgt Rosado said "Officer Febrianti step back" Sgt Rosado wanted me to stay in the back at the time I did not know why I thought he just try to be nice and let senior officers to be in the front.

Notably, Rosado was not the supervisor who charging party allegedly gave her vaccine card to revealing her age and birthdate

See Exhibit J: Captain Melendez the one who creating the negative performance file and send the file to Associated Director of Human Resources (Angela Mulett) and Sgt Anibal Rosado(Supervisor Tour 1).

Sgt Rosado, Captain Melendez and Captain Laboy are working on the same roof they can talk each other about my age and how to create things to make a negative working performance because of my age.

The respondent response is incorrect on Page 7, Paragraph:1 Line:1-5 Stated:

Charging Party's performance issues did not improve after her first evaluation. A second evaluation was drafted by Rosado for the time period of May 3, 2021- May 2, 2022 but this evaluation was not signed [Exhibit I- Second Performance Evaluation]. Charging Party's overall rating was again unsatisfactory and as the justification for the overall evaluation Rosado

This statement is incorrect I never received the second evaluation but I was told by Sgt Rosado I was fail twice when I was given the negative evaluation in November 2021 By Sgt Rosado and Sgt Laboy. I believed my negative working performance was erase on the night of 04/09/2022 because Sgt Rodriguez and Captain Laboy request me to log in to my employee account using the supervisors computers at roll call office. I did not see any negative performance on my file which I received on November 2021. I believed Sgt Rodriguez deleted the file in the night of 04/09/2022 but Sgt Laboy give me the copy on November, 2021 but I left it on my locker. On 04/09/2022 I realize my working performance was empty and I am not able to print it because the file not longer there.

On 04/11/2022 I went to my locker to collect my negative performance copy which I received on November, 2021 from Captain Laboy and Officer Rosado. Officer Gomes was officer on duty that day at M-3 she came to the locker room and she was watching me putting the paperwork in my tote bag.

I never received and asked by any supervisors to sign the second evaluation from any supervisors since November, 2021.

Respondent response at Page:7, Paragraph 2: Line: 1-7 Stated:

Officer Febrianti has not met the criteria of an effective Hospital Police Officer.

Officer Febrianti lack of knowledge with regards to proper actions to take in emergency scenarios have left her co-workers concerned for her well being as well

as there [sic] own. Off Tour supervisors have concluded that Officer Febrantis' [sic] lack of knowledge with the duties & responsibilities of a Hospital Police officer is apparent and a detriment to anyone depending on her assistance on a day to day basis

I believe all my negative poor performance was created because of my age because all I was doing I just followed instructions from supervisors and central command on the radio told me to do and it looks bad on camera it seems like I was not engaged with 10-08 incidents, cause harm to and put my coworkers life in danger, etc Many time I was told on the radio by central command or supervisors to go back to my post.

This unfairly to describe what really happened. When I used to work at post 2B, Many time I was instructed by supervisors (Sgt Rosado, Sgt Desantes) and sometime Officer Martinez to go back to my post during 10-08 call.

I was told by supervisors to go back to my post and sometimes they told me to go lunch early while we were having 10-08 incidents.

As per my role as hospital police my task was limited to what supervisors instructed me to do. Sometimes I was told verbally by supervisors on duty "officer Febrianti step back" during 10-8 incidents and he said "let the Officer Munro stay in the front". Most of the midnight shift officer were male. There is one female who younger than me (Officer Carreras) who work at Flex schedule (3 days a week :12 shift schedule) work overnight but she worked at patrolling post most of the time. My performance was look bad in camera but in real life I was told to do so by supervisors and central command.

I believed all of this thing because of my age because many time during roll call they mentioned they need the "strong person" possible . I believed because of my age I am not qualified for the job but in police academy I learned that our job is not to beat up people our job is to make sure to make the environment keep in peace because our title as Peace officers is to escalated the situation using PMCS technique try not to escalate the situation to cause harm to people.

Now I understand why they give poor performance because I was told to act like that and I look bad in camera. Camera can't be deceptive because I was following instructions what supervisors , central command asked me to do or senior officers asked me to do and it seems like I am not engaging with the situation.

One time when I used to work in post 2B there was combative patient in Emergency room I was told by Sgt Desantes and Central Command(Officer Martinez)to leave the scene and go the basement to unlock the morgue to relieve the dead body to OCME but this tasked it's not part of my post duty this job it's part of patrolling post duty to do unlock. In this case I looked bad on camera it seems I leave the scene of my 10-08 incident but the fact I was instructed by Sgt Desantes to do so.

One time when I used to work at post 2B I was told by Sgt Desantes that BHA(provide basic care at psychiatric unit) supposed escorted the discharge patient from psychiatric emergency to main lobby. He said this is not our job to escort the psych patient to post 4 main lobby because Hospital Police duties only if they called us. He told me our job is to do 10-08 if they called us. I am not sure if this incident was on my file because I have negative performance for something the supervisors or central command asked me to do.

On October 18, 2022 incident I am not sure which incident. I was having many incidents with Detectives King when she confronted me about something I was didn't know about. One time she came to post 4 main lobby and she was angry and move and shake the podium and bang her palm on the desk on the desk and asked why this person on mental health building. I told her I don't know because I was sitting on post 4 main lobby and I didn't see anyone passing by post 4 Main lobby and she told me "this thing is going to be on your file".

Respondent response at Page:7, Paragraph 2: Line: 1-7 Stated:

Charging Party's allegation that she "received negative comments about her work performance" is accurate however, the reason for the comments was not as a result of her age as she alleged. The negative comments were because Charging Party failed to adequately perform in her role as a Hospital Police Officer as evidenced by performance evaluations and incident reports. Her work performance was so deficient that the department recommended termination. On April 12, 2022 the System mailed Charging Party a letter terminating her employment due to her failure to pass probation [Exhibit J- Termination Letter]

This statement is incorrect I believed all the negative evaluation because my age because all the accusation not based on facts but instead I was told by the field supervisors on duty (Sgt Desantes and Sgt Rosado) and Central Command to go back to my post or do something else during 10-08 incidents. My performance look unprofessional on camera CCTV but the facts the Hospital Police Department who create the situation and instructed to comeback to my post and It seems like I am not engaging with job tasks and helping my colleague. I believed all this accusation because of my age.

I don't have the same opportunities like other officers because of my age. I believe my age cause this accusation against my poor performance because they're new officers but they're already working in rotating job assignment within one months since they worked there but I was left behind and police administration have to put me in undesirable working conditions because of my age.

The respondent mentioned that the reason I was assigned to post 4 Main lobby because of I am new but There are other officers who have the same date of hire like me on May 3, 2021 because we started academy together and graduated together from academy.

There are 4 officers who have same date of hire as me. We graduated the same time from academy and started working at NYCHHC on July 26, 2021. Officer Chapagain, Officer Gutierrez, Officer McLaughlin, Officer Smith. All of these officers are younger than me and they already given the opportunity working on patrolling post and rotating job assignment and desirable working conditions within September, 2021.

For example Officer Chapagain. He is younger than me He have the same date of hire as me on May 3, 2021 but he already have opportunity to move to another shift to tour 3 (03 pm.to 12 am) in or on October 2021(See Exhibit C-13 and Exhibit C-12) and work in different post but the hospital police department never let me to work on patrolling post and rotating job assignment where is more desirable assignment because this patrolling post is freedom post for bathroom and prayer. I already work there almost a year on April 09, 2022 but they still say I am new because of my age.

Officer McLaughlin he is younger than me and he already have assigned to work on patrolling post and rotating working assignment. I was left behind because of my age.(See Exhibit C-13 and Exhibit C-15)

Officer Gutierrez was younger than me and have the same date Hire as me as and he already granted the position as Flex schedule officer which only required 3 days a week working schedule for 12 hours shift. Officer Gutierrez transferred to NYPD in or December,2021.(See Exhibit C-17 and C-11)

Officer Smith was younger than me he assigned working at Patrolling post in the beginning at September 2021 and rotating job assignment (post 9, post 10 and training as central command officer starting from September 2021. But he leave the Department because he got a new job.(See Exhibit C-13 and Exhibit C-15)

Officer Sultana, Officer Martinez, Officer Gomez are new employees at Metropolitan Hospital and they are younger than me .They started working at Metropolitan Hospital In December,2021. they lower seniority than me but they already assigned for patrolling post and work in different post. They treat me differently because of my age I was given unfavorable post 4 which is very hard for me for bathroom and prayer accommodation.(Exhibit C-10)

I am strongly believed the age discrimination involved with my allegations. During roll call briefing many time Sgt Rodriguez said we need the strongest person possible. I believed because of my age they believed I am not strong enough to be the officer.

In addition I believe age discrimination involved too because I requested to work for morning shift to Captain Melendez and he said he has enough female officers working in the morning.

But after the incident I found out he place new younger officer who recently just graduated from academy. P.O Sultana(22 yrs old officer) to work for morning shift.(See Exhibit C-10)

Why they assume I have poor my working performance about patrolling post (See Exhibit L) but never assigned me in patrolling post. I never done this observation before "HP Emergency for The Code Pink ", "Cancel a code A Pink", "Abductor until alarm corrected", "investigate the alarm", "IPS Area" are patrolling post assignment.

I always to assign to post 4 and I never have the opportunity like other officers to work on rotating job assignment like others to learn more and grow. I never assigned to patrolling post since I work there. In addition they eliminate post 2B in the end of January by giving me unfavorable post(post4 main lobby) this post requires relieved for prayer and bathroom. I don't have no problem for prayer time and bathroom when they assigned me post 2B because this post no need relieved but when they take away 2B from my assignment it's very hard for me to pray and bathroom.

VII. Respondent Refuse to hire the Charging Party to any acts of retaliation and Discrimination because Her protected activity status of filling the lawsuit with her former Employer

The respondent response on page 7, Paragraph 4: Line1-3 continued to page:8, Line:1 stated:

Charging asserts that she informed the System of a discrimination lawsuit against her former employer when she was interviewed for the role of Special Officer in April 2021, prior to being hired for the Special Officer position. Charging Party does not reveal who she allegedly provided this information to and the System is unaware of any such disclosure

Please see **Exhibit R**. I did the psychological virtual testing appointment was on Saturday, April17, 2021. I was interviewed by Chinese or Korean I am not sure his nationality and I am not recall his name. He asked me question about "Do you ever have any court proceeding" and I said "yes I have discrimination lawsuit against my former employer in 2015". I did written psychological on Thursday, April 15,2021.

The respondent response on page 8, Paragraph 4: Line1-3 continued to page:8, Line:1 stated:

Charging Party also states that she met an unidentified person who took the Hospital Care Investigator (HCI) civil service exam and was number 586 on the list for the HCI applicant pool. Charging Party claims her own list number was 604. Charging Party states this unidentified person was hired in March 2022 and believes she should have been called from the list for the HCI role March or April 2022 but was not because she disclosed her pending discrimination lawsuit against a former employer.

See **Exhibit B1, Exhibit C-1, Exhibit C-2, Exhibit C-3, Exhibit C-4, Exhibit C-5, Exhibit A3**. I meet this individual on March 4,2022 when I was told by Captain Laboy states to go to OHS 6th floor to clear some medical clearances. I was told I will be off duty if I did not come. I met this lady on the OHS office, I believe her last name Mahmuda and she said that she was here for medical clearance for Hospital Care Investigator position, and she show me the paper with her job offer with her address on it. She told me she received notification in email and mail about the job offer. She said her list number was higher than me and She said I will be received the job offer soon in mail and email. But I never received any job offer in email or mail.

Charging Party alleges that not being called from the HCI list was an act of retaliation for having engaged in the protected activity of filing a discrimination suit against her former employer.

The respondent refuse to hire me because my protected activity. I never receive anything in mail or email regarding I was offer for the job. When I was offer the job as special officer I received the offer to the mail and email but for Hospital Care Investigator position I did not received anything on the mail for the job offer. See job offer example **Exhibit S**

The respondent response on Page 8, Paragraph: 1 Stated:

Even as alleged by Charging Party the System hired her after she allegedly disclosed her pending discrimination lawsuit against her former employer disputing any claim of retaliation. In regards to the HCI role, an HCI applicant pool was held on February 17, 2022. Applicants who attend the pool are interviewed on site for the position for which they were invited to interview. Charging Party was invited to the February 17, 2022

11:00 AM HCI applicant pool via email on February 3, 2022 using Charging Party's self-provided email address [Exhibit K- Applicant Pool Interview Invitation]. Charging Party failed to report to the pool and thereafter did not request to be restored to the HCI list. To date Charging Party has not contacted the System about restoration to the HCI applicant pool. Charging Party's failure to report to the pool and failure to contact the System regarding the HCI pool invitation has precluded Charging Party from further HCI pool invitations. The circumstances surrounding the HCI role do not support Charging Party's claims of retaliation

I did not received the letter in the mail or email of this position. I never received the letter invitation like special officer positions(Exhibit S) that I was offer the job for this position. I never received email notifications and letter In the mail that I was offer for this job. See the example job offer while I was offer the position as Special Officer as Hospital Police Exhibit S.

The procedure of DCAS regarding Hospital Care Investigator positions. The respondent supposed to send me a letter in mail and email regarding my list was up with my address written on the paper . I need the letter invitation in mail and email with my name, address, email address. This applicant poll not walk-in poll. I have to provide the letter from NYC Health + Hospitals invitation letter appointment to show the security guard at 55 water street, New York, NY if I need to enter to the building.

The respondent stated that I was notified by email for the applicant poll but I did not received anything on the mail or email. The respondent did not want offer me the job because of my protected activity class because I filled the lawsuit against my former employer when I was interview during psychological Virtual testing appointment for Special officer. I believed NYC Health + Hospital did not want hire me because I disclosed my discrimination lawsuit against my former employer during Psychological virtual interviewed(See Exhibit R) for Special Officer position Saturday April 17,2021. I do not recall his name but I believe he is Korean or Chinese.

Conclusion

I believe the respondent has violated title VII employment discrimination base on my gender as woman and my religion as Muslim, retaliation, Age.

I believed the respondent has giving more the opportunities to new younger officer because they new officers already assigned to patrolling post and rotating job assignment within one months. I have been working there almost a year but on respondent statement stated the reason I was assigned at post 4 because I was a new officer but there are new younger officer already got the opportunity to grow and develop to the company and working at patrolling post and rotating job assignment.

I believed my age is the cause of this unfair working condition because I reveal my age to Detective King during my training on midnight shift tour 1 and I saw the drastic changes on her behavior towards me. At the time she was just regular police officers but when she got the position at Central Command, she got the power at the department. Many time she told me "it's going to be on your file" for something I did not know about.

The respondent response is incorrect on Page 8, Paragraph 3; Line 1-6 Stated:

The System accommodated Charging Party's religious accommodation request to the extent operationally permissible. Charging Party's expectation of immediate relief upon request was not feasible or reasonable given Charging Party's role as a special officer and the obligations of the Hospital Police department. The department was required to respond to exigent circumstances that were unpredictable and that response could not be abandoned to ensure Charging Party was provided post relief on request.

The respondent statement is incorrect because the incident of 10-08 happened half hour ago at 0424 am and I leave my post in order to pray at 0458 am in safe condition without undue hardship of the employer. I called central command(Officer Jones) that I need to pray and I need to walk out my post because I already notified the hospital administration that I need to permission to walk out if nobody relieved to pray. Central Command(Officer Jones) stated that Officer Chapagain on his way to post 4 main lobby and this is not cause undue hardship of the employer.

The condition of Post 4 Main lobby always safe and clear because all the clinics are close except 4th floor labor delivery open to public. The respondent stated that "the system" was "extent operationally permissible" but I did not witness any disturbance on my post 4 main lobby. This is not the facts they said" the system" was busy but the condition not busy because the facts my post was safe and clear without undue hardship of the employer.

Respondents said I can not pray because the system is busy was false statement because my post was safe and without undue hardship of the employer. I didn't witness any disturbance or critical condition on my post. This always become the pattern but on 04/09/2022 this incident was different we have more officers than usual we have post 7 which is not happened very often.

I believed they created this incident because the hospital administration knew that I will walked out the post during my prayer time that's why we have more officers that night to cover me in case they will let me go on my prayer time to cover my post.

Detective king not supervisor but she works at central command desk so she have power to do things. The situation getting worst when I filled the complaint about her because the whole department now against me.

After Detective king comeback to the office is not possible for me to work there because they really do not want to accommodate my prayer time and this is become the pattern when they said they're busy but I didn't witness any of disturbance or critical in my post 4 main lobby or anywhere else. I can't work there if I don't give permission to pray. Allah command to pray is above all other command in this world. This is my religious beliefs obligations when the time to pray I have to be facing mecca to pray and said this word in Arabic:

Verify, I have turned face towards him, who created heaven and the earth. Worshipping none but Allah alone and I am not the idolaters. Verify my prayer, my sacrifice, my living

and my dying for Allah, the lord of the all that exists. He has no partner and of this I have been commanded and I am the one of the Muslims.

When Sgt Rodriguez asked me this job is not for you "you have to choose God or a job is the infringement my religious beliefs because in Islam I have to love Allah first, Prophet Muhammad second, my mother third, my mother the fourth, my mother again the fifth, my father the sixth and other than this (job is option no.7). Sgt Rodriguez asked me questions leading me to my discharge because I have to choose Allah first above all because if I choose job first I become disbelievers meaning choose job as God.

In Islam "the word" in Arabic we called "Kalimah" is can lead you to the hellfire. In Arabic we called "Shahadah" mentioned how power is the word. People become the Muslim must recite the word "Shahadah" meaning testimony of faith is an Islamic creed declaring belief in the oneness of God and Muhammad as God prophet. Sgt Rodriguez asked me to choose God or job is extremely serious challenge me about the declaration of my faith. I have to say " Allah first" and I can not say "Job" first because I will become disbelievers. That's why I keep declaring my faith to him when I said today and tomorrow are the same "Allah first". Especially it was happened during the Fajr prayer time meaning during dawn. In Islam morning prayer is more important because this prayer always witness by 2 different angel who in turn who records our deeds during the day and during the night. My conversation with Sgt Rodriguez happened during Fajr Prayer where the angels hear my declarations "Allah first".

Sgt Rodriguez said "this job not for you", " you have to choose between God or Job" , "you have to clock out at 05 am today and comeback tomorrow if I choose "job first" and I told him today and tomorrow are the same I choose "Allah first" I give my shield, ID, Key, Radio and bulletproof vest.

The department not too busy but My religion just not a high enough priority to them. It's not life and death situation in post 4 main Lobby or anywhere else. My post was safe and clear and Allah is my witness there is no life and death situation or critical condition.

In addition "10-8 " Incidents when the psych patient refuses the medication is not critical. The procedure of psych patients before they entered to the facility, they were strip their personal belongings. They only allowed to have hospital gown, no cellphone or anything else. This 10-08 happened half hour ago at 0424 am but when I leave my post at 0458 am when all the condition are safe and clear and does not considered very critical condition as respondent mentioned " the system" not the condition because the condition was safe and clear in hospital police Department.

The most important thing is I leave my post to pray in safe condition without undue hardship of the employer.

The respondent response is incorrect on Page 8, Paragraph 3; Line 6-9 Stated:

In addition, as described above, Charging Party's work performance was deficient; there are numerous business records including two performance evaluations, an incident

report and statements made by Charging Party herself as evidence of her deficient work performance

The respondent statement is incorrect. My negative performance based on their opinion not facts because all the accusations are not supported with the incident but based about what they feel about me. All my negative performance are false statement because Sgt Rosado said to me "people upstairs don't like you" He did not mentioned Why I am not good and go over what I have done because I never done nothing wrong. I always follow the rule and do my job task. All the accusation of my negative performance are false statement because of my age.

The negative performance said my lack performance will injure myself and other staff members are not truth statement based on their opinion because I never injured at work and there was no incident that the staff members was injured during my present.

The negative performance opinion did not support with the actual incident with time and date of the incident. All the negative performance was dated on 05/03/2021 at 12:03 am see Exhibit Q.

I believe the CCTV can be deceptive because CCTV can not hear the conversation on the radio and supervisors when they told me to leave the scene or back to my post during 10-08 incident and cause me negative performance from my supervisors and central command officer. But this is what they(Supervisors and central command) instructed me to do and cause my negative working performance at my workplace.

In addition I can give the facts that negative performance is incorrect because I can prove from my police memo book. I didn't do this observation. See Exhibit L

My police memo book indicates that I was off on 09-12-2021(see Exhibit K) this date indicated and I never conducted the observation but my negative working performance indicated I was fail is false statement. Many time I was always accuse for something I did not know about and Detective King told many time " it will be on your file".

That's why I did not bother to read my negative performance because I knew they do not like me because of my age already.

I can prove that I never place working on patrolling post or rotating job assignment. See Exhibit T My Police operations memo book.

For this reason, I believed that my negative working performance was premeditated or made up by Hospital police operations because my age.

The police memo book indicates that on 09-12, 2021 I was off on this date(Please see Exhibit K).

The police memo book indicates that on 09-24, 2021 I was assigned at post 2B(Please see Exhibit M).

The police memo book indicates that on 10-06 2021 I was assigned at post 4 main lobby (Please see Exhibit N).

The police memo book indicates that on 10-18, 2021 I was assigned at post 4 main lobby(Please see Exhibit O).

The police memo book indicates that on 10-29, 2021 I was assigned at post 4 main lobby(Please see Exhibit P).

I believe my right as woman was violated when Captain Padilla told Detective Santa lay to fix my belt and I was forced to wear tight belt against my will because I will never put my belt so tight like that because I have baby inside but I need a job but I believed they have knowledge of my pregnancy because the note has a picture of pregnant woman in heading note and have the name of the clinic "Healthcare for Women OB Gyn".

I told Dr Wilby about my intentions getting pregnant but Dr Wilby did not give me accommodation to my intentions instead she said if you didn't take MMR vaccine you're not getting a job but I am really need this job and I put all my effort to it. So I believed my intentions to be pregnant is the contingency of the employment at NYC Health+ Hospitals.

I was told Dr Wilby I can't get pregnant within 3 months is considered violation of my rights as woman. In this case my employer give my intention to get pregnant as contingency of employment condition. I told Dr Wilby I was expecting to be pregnant and Dr Wilby did not find any effort to accommodate my intention to be pregnant instead she told me "you can't get pregnant for this job within 3 month or you can't get a job if you did not take the vaccine. Instead I was force the take the MMR vaccine against my will in order to get a job.

My rights as woman was violated when I am not freely allowing me to use the bathroom because as woman we have a monthly sickness(menstruation), during my monthly cycle because using the bathroom during women cycle is human nature as woman. In addition woman condition during period have to changed the menstrual pads in every 2 hours when we have heavy flows and not changing the pads will cause infections .

My rights as woman was violated when The respondent statement stated that it is part of "Hospital Security Uniform regulation" but "tightening the belt" and having the belt are 2 different things.

Captain Padilla instructed Detective Santa Lay to tightening the belt after received the doctors note with a picture of pregnant woman on the heading note is the facts why he wanted me to have miscarriages. My rights as woman had been violated because I believed it's illegal for the employer to force me to confess of my pregnancy Instead there were another police candidates(Miss Minor, Roberson, Hibbler) who have a big belly but they were not force to tightening their belt and I believed I was targeted because their knowledge of my pregnancy.

I believe my right as woman is violated when I was told to tightening my belt because tightening the belt for woman is illegal because the woman might have bearing a child or pregnant.

In addition another police candidates(Minor, Robinson, heider)who were have chubby belly was not told to tightening their belt . The Detective Santa lay was instructed by Captain Padilla to adjusted my belt and it was too tight and when I go back to classroom and when I am sitting it's more congested and tight.

My rights have been violated as woman and I am strongly believed Officer Padilla have knowledge of my pregnancy because the letter stated the provider name " Health Care for All Women OB-GYN" and the doctors note have the header note pictures of pregnant woman.

In addition, during police academy lectures I was told that the police department able to retrieve the medical records without authorization of the employees consent. I believed Captain Padilla have knowledge of my pregnancy.

In addition, I believed They did not allow me accommodate me for the bathroom can be the type harassment because of my age too I was feeling my working environment like jail to me because bathroom and prayer are connected.

The respondent didn't accommodate my bathroom is related to my religious beliefs discrimination because we must do ablutions before we pray we have to relief any bathroom urges and this ablutions is a must or my prayer is invalid. In Islam we have to follow the Qur'an and Hadith.

According to Hadith Prophet Muhammad SAW stated:

Praise be to Allah.

It is not permissible for a person to start praying when he is resisting the urge to urinate or defecate, because the Prophet (peace and blessings of Allaah be upon him) said: "You should not pray when food is ready or when resisting the urge to urinate or defecate."
(Narrated by Muslim in his Saheeh).

RECEIVED

Plaintiff Request to Admit Statement
ACTIVITY IN THE CASE FEBRIANTI V NYC HEALTH+HOSPITALS 23 CV06175JLR

~~PLAINTIFF'S FIRST EEOC REQUEST TO ADMIT STATEMENT TO THE DEFENDANT~~

Pursuant to Fed. R. Civ. P. 36, Plaintiff hereby submits the following Request to ADMIT statement to the Defendant. Plaintiff requests that Defendant serve its answers, in writing and under oath, to Plaintiff within 30 days of service of these REQUEST TO ADMIT.

Did you admit there are no material disputed that I have solid evidence that can be disputed and the judge supposed to granted for summary judgement when most of all the EEOC statement were false statement when the respondent mentioned on EEOC position statement that according to Captain Melendez statement when Captain Melendez speak as a third person and he wasn't there that I leave my post at 0445 am but the facts I leave my post at 0458 am

I would like to tell the court that zero material disputes on my case which I supposed to be granted summary judgment because all respondent position statement EEOC statement was false statement with premeditated plan to fired me which involved discrimination base on my women discrimination when my rights as women to be pregnant become the contingency of employment and followed up with age discrimination which accidentally I was revealed my age to Detective king during the department facing adverse the transition of Officer Day, E (which according to the lady testimony the department can't wait for her to retired because she was old and she called sick alots), (See Exhibit EEOC Docs, page 5-6, List no.12) when I started treated differently by department when I accidently revealed my age to Detective King which cost me not to be train properly because the department think it wasted to trained me because of my age I will be next become officer Day, E which the department can't wait for her to retired and after Detective King found out about my age I started left behind with my other younger new colleague officer which I did not train properly and I left behind and it cause adverse to the department which I believed because of my age which the new younger officers was trained properly and giving opportunity to grow and giving rotating working assignment and when I didn't properly train as per new younger officers and I was received discrepancies of negative working performance which all the accusations it's false accusations against me because of my age according to exhibit

- 1. Did you admit that if I kept the job as police officer after April 9, 2022 will made me become the disbeliever because in Islam Allah's command must come first and Sgt Rodriguez command not to abandoned the post come second? Because in Islam Allah must come first**

Did you admit that there are no material dispute in these statement ?

I am currently, my pro se, non lawyer IFP Petition In Southern District of New York and have pending discrimination lawsuit against my former employer (NYC Health+Hospitals), Case # 23 CV 06175 base on : Religion, Age, Woman, Retaliation(refuse to hire as Hospital Care Investigator, list :604), ADA discrimination(refuse accommodation during prediabetic condition) See Exhibit

RECEIVED

A. Description of the Case :

I am Erica Febrianti. I am Muslim, Female, 49 Years Old, a former Special Officers with NYC Health+Hospitals Bring this action under the State and Federal law and all the laws, the parties submit this joint letter in advance of the case Management conference scheduled for October 2, 2024.

- B. Did you admit that I should given motion of summary of judgement because the respondent acting intentionally, maliciously and fraud by not accommodating me to pray on time when I leave my post without undue hardship of the employer, violated my rights to be a mother, a woman when I was requested to be pregnant and my pregnancy become the contingency of the terms and conditions of the employment and only woman able understand the pain when I was force to tightened my belt against my will and I am the only one to asked to tightened the belt because the respondent aware of my pregnancy from the note I was given to them "Everyone back to classroom except recruit Febrianti" Captain Padilla said "if you have belt like that I will take you upstairs". Captain Padilla instructed Detective Santa Lay to tightened my belt against my will and my belly congested when Santa Lay tightened my belt against my free will. The respondent intentionally refuse to hired as Hospital Care Investigator because I filled internal religious complaints which the same time frame I supposed to received letter in the mail regarding this job according to Mahmuda Statement(Exhibit C-1, C-2 Through C-5). The respondent use the same tactics of discharge as my defective case in 2016 which I was constructive discharge first and termination letter send in the mail latter to cover constructive discharge which investigation between my constructive discharge and termination letter send through certified mail. Another Protected activity was described as follows:

Religion Discrimination, constructive discharge on April 9, 2022**Did you admit that there are no material dispute in these statement ?**

Religion: Islam : I was force to leave Islam by Sgt Rodriguez On April 9, 2022 ; I have to choose God or Job and constructive discharge because of misconduct of praying and I said "Allah first" when in Islam I have to pray on time and Allah should be first to be serve and April 7, 2022 or 2 days prior of constructive discharge central command officer(Officer Wood) and field supervisor(Sgt Rosado) said I will not accommodated to pray on time anymore and they will relieved to pray late from now- on which against my religious because in Islam Allah's command come first and supervisor's command(worldly matters) come second(See Exhibit L-3) During my religious discharge on April 9, 2022 I was forced to give it my religion Islam In order to keep my position as Hospital Police at NYC Health+Hospitals when Sgt Rodriguez asked me that I have to choose God Or a job because in Islam Allah must come first and world matter come second. Sgt Rodriguez asked me to choose God or A job is extremely infringement my religious belief and force me to leave my religion Islam because God Or a Job in Arabic we called "Tawheed" "Shahada" testified that Allah is the first to be serve and the only God and Prophet Muhammad is the Messenger of Allah. Allah must come first in Islam. The Second one : Prophet Muhammad peace be upon him. Third one to be serve is "your mother", the fourth " your mother" and the fifth one is "your mother" and the sixth one is "your father" and seventh : is worldly matter such as jobs, etc. Prayer according in Islam is the head of the body. I have to pray on time.

On April 9, 2022 incident represent testimony of my faith when challenge me the commitment of my faith In Islam (Tawheed) when I was asked to choose God or a job in order to work there and I was considered discharge when I said "Allah first".

Did you admit that there are no material dispute in these statement thatThe situation on April 9 2022 is the commitment and declaration of my religion when I was told by central command officer Jones on the phone at 04 58 am that I can't pray but that part of moment is crucial to my religion whether I choose Allah first because if I follow Officer Jones(Central command Officer) not to abandoned my post by not to pray I became disbelievers according to the verse in Quran. Surah al mu minunn verse 34-37 and when I pray the first recitation is Allahu akbar and I recite:

In order to stay to be Muslim I have to leave the job because Sgt Rodriguez asked me question to choose God or A job and he said comeback tomorrow if I choose job first and it will never happened because In Islam my life, my death is for Allah only and the reason of my discharge as respondent position statement when I said "ALLAH FIRST" because Sgt Rodriguez said comeback tomorrow if I choose Job first meaning comeback tomorrow if I become kafir (disbeliever).

(See Exhibit G)On March 28,2022 Captain Melendez said the same verbal word " this job not for you, you have to choose God or a job" when he refuses my internal religious complaint against Detective king when he said the department not able to accommodate early prayer time all the time but at the time Captain Melendez still allowed me to stay at my post and he did not asked me to leave building as per April 9, 2022 incident my post was given away and I was asked to report to Hospital Police headquarters for misconduct of praying when Sgt Rodriguez aware the reason I was leave the post in order to pray and he asked me to choose God or a job in order to work there and he said I have to clock out at 5 am that day and he said comeback tomorrow If I choose job first but in Islam Allah commands come first and other command come second and I have to leave the job in order to be a Muslim and to keep my religion and on April 7, 2022 the hospital police department said not willing to accommodate my early prayer time anymore and if I leave the post I will get write-ups. Sgt Rosado said Sgt Rodriguez instructed all central command officers and field supervisors to relieve late to pray from now-on. Sgt Rosado said "sorry no more early prayer time for you anymore". I told them I will walked out the post if nobody relief me to pray when I almost walked the post. Detective King to relief me to pray on April 7, 2022 but I almost in contingency situation almost walking out the post. Sgt Rosado and Officer Wood did not said she was coming to relief me. I called out on April 8, 2022 and send email the hospital administration and CEO Operation need permission to walked the post if nobody relief me to pray when I said Allah's Command come first and HP command not to abandoned the post come second if nobody relief me to pray(See Exhibit F, EXHIBIT N-2)

Did you admit that there are no material dispute in these statement ?

(See **Exhibit G**) On my internal religious complaint against Detective King, Captain Melendez reply verbally that the "this job not for you", "you have to choose God or a job" and "the department not able to accommodate early prayer time all the time".

Did you admit that there are no material dispute in these statement ?

On April 09, 2022 Sgt Rodriguez said go home and think and comeback tomorrow if you choose Job first it never happened because in Islam Allah must come first to be serve(Prayer like head in the body) according to the hadith of Rasulallah peace be upon him.

Did you admit that there are no material dispute in these statement ?

See Exhibit B, Exhibit C , Exhibit G .On March 28, 2022 when Captain Melendez also mentioned the statement to choose God or a job but he did not discharge me from my post when he refused my internal religious complaint against detective King(See 36 hours delayed reply gap from initial complaint(Compare Exhibit B and Exhibit C time frame). My internal religious complaint was denied verbally until I sent another email (**See Exhibit G**) when Captain Melendez said the department not willing to accommodated early prayer time all the time until on April 7, 2022 I was verbally given stern and official warning statement that the Hospital police department not willing to accommodated early prayer time anymore and if I walked the post I will get write-ups.

Did you admit that there are no material dispute in these statement ?

I provide the hadith of Tawheed of the best woman in the word the wife of Pharaoh who choose death over changing her religion to testified pharaoh as God but she keep insisting Allah is the only God and the same with my situation when I choose Allah first and I was constructive discharge.(See Exhibits Hadith on Tawheed or In English we called Allah first.

Did you admit that there are no material dispute in these statement ?

On April 9, 2022 it's Ramadan too ,I did not given the accommodation in order to eat seheri (Pre-dawn meal) for preparing for 14 hours fasting and to pray on time. Even though I already asked the accommodation by sending email to Hospital Administration and CEO operation of NYC Health+Hospitals on April 7, 2022 regarding need permission to eat seheri(Pre dawn meal before Fasting), Bathroom accommodation and need permission to walked out the post if nobody relief me to pray(**See Exhibit D, Exhibit F, Exhibit H**).

Did you admit that there are no material dispute in these statement ?

Allah first is testimony of my Islam faith and In ARABIC said "Lailahallallah and Muhammad Rasullulah" is the most important part of testimony of my religion as Muslim.

Did you admit that there are no material dispute in these statement ?

The hadith mentioned that the word "Allah first" cannot be measure of worldly life or in Arabic Lailahallallah word if we put in on scale the worldly life and the heaven cannot able compensate or balance the word because this word is the most of powerful word in Islam. With this word people can enter to paradise or Hell. Sgt Rodriguez my supervisor at NYC HEALTH OF HOSPITAL on April 09, 2022 force me to give up my testimony of my faith, Islam or commitment to my religion which "Allah first".

Sgt Rodriguez asked me to give it up my religion, Islam and become the Kafir(Leaving Islam) in order to keep my position as Hospital Police at NYC Health+Hospitals because of misconduct of praying.

Did you admit that there are no material dispute in these statement ?

The religious discharge incident happened During Fajr prayer which according to The hadith of Prophet Muhammad peace be upon him said that the Fajr Prayer was witness by the 2 different group Angels which my conversation with Sgt Rodriguez was witness by morning and afternoon angels when The Respondent, Sgt Rodriguez was forced me to give it up my religion Islam when In islam Allah must come first. The confirmation of my faith "Allah First" as part my religion crucial testimony in Islam in order to keep my commitment as Muslim or Kafir(Non believer).

Did you admit that there are no material dispute in these statement ?

The Discussion& Management Plan(I leave my post without undue hardship of the Employer)

(See Exhibit L-3)There was no undue hardship on 04/09/2022 while I was praying on my religious Discrimination case because Officer Martinez called me on the radio fromcentral command phone Approximated at 0509 am while I was praying and I spoke to officer Jones at 0458 am fromcentral Command phone to notified her that I will leave mypost in order to pray because nobody relieve me to pray.(See Exhibit L-5).

Did you admit that there are no material dispute in these statement ?

They have plotted and planned to discharge meunder undue hardship but Allah is the best planner. When I arrived to 8th floor hospital headquarters SgtRodriguez came out from central command and I heard many officers at central commands office chitchatting and laughing usually it was only one officer needed for central command office at midnight shift.

See Exhibit L-3 Did you admit that there are no material dispute in these statement when most of all position statement EEOC was false statement?

I give my bulletproof to officer Wood when I called to open the door at 8th floor door because I already Give the key to Sgt Rodriguez. The constructive discharge happened at roll call office not Captain Melendez office and I place my shield at Roll call Office Desk not Captain Melendez office desk. Captain Melendez office located at the second door on the right when person enter the HP POLICE department Meaning the position statement is false statement when the position statement mentioned:

The respondent response is incorrect on Page 4, Paragraph 4, Line 1-4, Stated:

Melendez said that on April 9, 2022 at 4:33 AM there was a panic alarm requiring response from multiple Hospital Police officers. Melendez was informed that Charging Party abandoned her post, post 4 in the main lobby, after calling central at 4:45 AM seeking relief to pray. Charging Party's scheduled prayer relief time was 5:09 AM

The respondent response is incorrect on Page 4, Paragraph 4 line: 7 continue to page 5: Stated:

Charging repeatedly stated "God first" and then placed her shield, identification card and keys on Melendez's desk.

Did you admit that there are no material dispute in these statement ?See Exhibit L-3 and

See Exhibit L-5

I leave my post at 0458 am on 04/09/2022 and the department had 5 unnecessary officers on 04/09/2022 between approximately 0500-0530 am included Sgt Rodriguez at central command station HP Headquarters(officer wood, officer Jones, officer Martinez, Detective king) which they supposed to relieve me to pray instead of chit chat doing nothing. One of them supposed to relieve me to pray. One more time I would like to tell the court and wallahu alazheem there was no undue hardship. Allah is my witness. My post saves and clear. I was confused when the respondent said undue hardship to the employer.

I heard their voice of many officers at central command when Sgt Rodriguez opened the central command door when he sees me on the camera when I arrived from 12th floor from the mosque after the radio distracted me during my prayer asked me to report to roll call office at 8th floor Hospital Police Headquarters.

There was no undue hardship but the department was busy to discharged me. Approximately At 0509.

I heard the radio to 10-2 meaning report to misconduct of praying. Approximately At 0515 talking to Sgt Rodriguez that I was asked to choose God or a job in order to work there (**See Exhibit L-3**)

Approximately At 0525 officer jones called me in the locker from central command that they needed the hat badge too. Approximately At 0530 I give my bulletproof, police memo book, my badges to officer Wood.

So definitely the officers & Hospital Police department was busy to discharged me. Detective king was not say much because she was there at central command office when the department was there for her and prepare for my discharge because of my internal religious complaint against her.

On 04/09/2022 we have additional officers that night because we have post 7 (**See Exhibit C-19**) stated

that on this exhibit that post 7 assigned only if we have more officers and post 2b was assigned to Officer chapagain. Post 2B supposed to work on ER only not moving officer or responding the call outside ER but that night post 2B was assigned to somewhere else. Post 2B supposed to relieve me to pray. But nobody relieved me to pray But my post safe and clear and once again I would like to tell the court that I leave my post at 0458 am (See Exhibit L-3, See Exhibit L-5). As per original EEOC complaint submission at April 13, 2022 I told EEOC that I leave my post at 0458 am when nobody relieved to pray(See Exhibit Exhibit L-5).

Did you admit that there are no material dispute in these statement ?See Exhibit L-3 and

See Exhibit L-5

On respondent position statement said according to Captain Melendez said that I leave my post at 0445 am. This statement was false statement he wasn't there he worked in the morning shift. (See Exhibit S-5 position statement file page, section II, Paragraph 2).

Did you admit that there are no material dispute in these statement ?See Exhibit L-3 and

See Exhibit L-5

I wanted to tell the court I leave my post at 0458 am and I did not given the accommodation to pray and pre-dawn meal accommodation for Ramadan. My prayer time at 0509 am and I need 10 minutes for bathroom relieve and ablutions and I was not given pre dawn meal(suhur) to eat.I was requested to pray accommodation needed to eat in order to fast for 14 hours for Ramadan in my email to hospital administration(See Exhibit F and Exhibit N-2) but no reply I was discharge instead.

Did you admit that The situation on April 9 2022 is the commitment and declaration of my religion when I was told by central command I am currently struggling to perform my religious obligations to pray " but for" my protected activity to get evicted from the shelter when the bathroom cleaning attendants at port authority bis terminal at 42 and street had altercation with me for not allowed me to wash my feet to do ablutions in order to pray and also they are not allowed me to wash my personal part with water which is part of religion that I have to wash down there after releasing myself. I told the bathroom attendant is my religious beliefs that I have to do ablutions and she said she doesn't care about my religion she just care about her job.officer Jones on the phone at 04 58 am that I can't pray but that part of moment is crucial to my religion whether I choose Allah first because if I follow miss Jones command not to abandoned my post by not to pray I became disbelievers according to the verse in Quran. Surah al mu minunn verse

34-37 and when I pray the first recitation is Allahuakbar and I recite:

This verse mentions about Allah should be serve first before serve Sgt Rodriguez not to abandoned my post.

1. Did you admit that there's no material dispute that Sgt Rodriguez asked me to choose God or a job is extremely and determine me as beleivers or non beleivers in Arabic we called the" shahada" or Tawheed and testified that Allah first to be serve, which violated the 5 pillar of Islam
2. Did you admit that there's no material disputethat in order to stay muslim I have to leave the job because Sgt Rodriguez asked me question to choose God or a job and he said comeback tomorrow if I choose job first and it will never happened because in Islam my life and my death is for Allah only when I pray I was recited in Arabic
3. Allahu Akbar, Allah is the greatest
4. Did you admit that there's no material dispute that Exhibit G is the proved Captain Melendez verbally made statement on behave of the Hospital Police administration when he protected Detective king and refuse the accommodation of my early prayer time when he said on March 28, 2022 when he was passing post 4 main lobby when I asked if he received my complaint email and he said "yes" he received it but the department
5. Did you admit that the reason my internal religious complaint email(See Exhibit B) was delayed to response within 36 hours (See Exhibit C) because Captain Melendez already denied verbally (See Exhibit G) when Captain Melendez said to me the department not willing to accommodated early prayer time all the time and captain melendez also said to me it's okay to pray until sunrise which is forbidden for my religion to pray during sunrise, See Exhibit G, when I asked his refusal accommodation statement in writing Captain Melendez said he will investigated the allegation(See Exhibit C)

AGE DISCRIMINATION

6. Did you admit that on your EEOC position statement is false regarding the NYCHHC defense of the undue hardship because there's no undue hardship because there's 5 unnecessary officer at central command at the time frame

Did you admit that on your EEOC statement is false when you said the reason I was place at post 4 main lobby because I am new but the fact I am not new because the HP officer who recently graduated on December 10 2021 should considered new

7. . Did you admit that according Captain Padilla during hospital police academy that defensive tactics examination is the crucial part of passing police academy because once we pass this examination we certainly got the job and the only thing we will

terminated only we violated code ethics as hospital police such as smoking drinking, lying, abusive police power, integrity and no need to be trained again at the facility but we will train and teaching about the facility frame work and location but on re on respondent position statement Mentioned that I failed of "escalation or emergency technique which this premeditated plan negative working performance because according to respondent statements I failed on " escalation or emergency response which according to Captain Padilla once we graduated we ready to work and we don't need to be train again and the Sgt Rosado no need to do this training on me because I already pass my baton certificate and the only I will be terminated only smoking lying and also I never done this observation with Sgt Rosado. That's why I don't understand because I never did this observation except Detective king came to me she said she will put negative performance on my file.

8. Did you admit that refusal for bathroom effecting to my health when I was having prediabetic and urinary tract infections which according to the doctor i should not have limited bathroom accommodation husband used to make juice for me in order able to go to the bathroom because I was hold the bathroom at work by the time I went back home I can't go anymore and my stomach pain for many days because I got write ups one by Captain Melendez once because I have bathroom urges to do no. 2 and Sgt Blount told officer Smith which at the time he was working at central he said that Sgt Blount said don't releive me for the bathroom urges and that day I walked the post because I can't hold my no. 2 and I walked the post in order to no. 2 and I was called to report to HP police headquarters and Sgt Blount and Sgt Rodriguez was at central command office said they need the doctors note if will go to the bathroom every morning. Prior my constructive discharged the doctors told me that I had severe urinary tract infections and I was told not to hold pie and change the pads frequently during my period. I believed 2 3 doctors mentioned about this condition to me. Before and within 2 months after my discharged after but my working conditions at post 4 main lobby was struggling to be accommodated and my priority is my prayer time and I was told by Detective king I can't go to the bathroom in the beginning of the shift or after lunch.
9. Did you admit that how I received negative working performance on patrolling post (See Exhibit Q)when the patrolling training assignment is not done and I am not assigned to patrolling post.
- 10.
11. DID you admit that there is no material dispute, it is false statement on your position statement that the reason I was place at Post 4 Main Lobby because I am new but the facts I am not new (See Exhibit C-10 and See See Exhibit C-14) Indicated that My dated of hired was July 26, 2024(See Exhibit C-14) and another New Younger Officer new hired was December 2010(Exhibit C-10).
12. DID you admit that there is no material dispute, Did you(Captain Melendez) admit that my age made you decided to refused me to move to morning

shifts because at the time according to the lady who came over to post 4 main lobby during her break and she told me:

"there is another lady who used to work at post 4 main lobby she is old and she called sick a lot and the department can't wait for her to retired".

This statement was referred to Officer Day, E(See Exhibit EEOC DOCS, page 5-6, List No.12) which I did met her in person when she said she will retired soon I don't remember if she said she came from sick leave but I remember she said she will be retired soon and according to the lady testimony which I believed the negative working performance which I received on November 19, 2021 was created by Detective king because I revealed my age to her and at the time the department have concern over Officer Day, E who was old and called sick a lots of my age because according to the lady describe about Officer Day, E who was old and called sick a lots which her age was cause adverse to the department and according to SEE Exhibit EEOC DOCS, Page 5-6 indicated that the time frame when Officer Day retired was almost the same time that my training at patrolling post was pause and differ than younger officer. Officer Smith and Officer Chapagain, Officer McLaughlin, Officer Gutierrez who have the same date of Hire(May 3, 2021) and The same Graduation on July 23, 2021 who were younger than me already have rotating post working assignment and Officer Smith already assigned to central command trainee officer and Officer Chapagain already granted to choose his shift preference in October 2021, Officer McLaughlin already assigned to patrolling post and Officer Gutierrez already assigned at Flex officer at ER department Post 2 and when you said the reason captain Melendez refuse me to move to morning shift because the department have enough female officers working in the morning shift but according to (See Exhibit S-9) , indicated that the department have shortage officer for morning shift in October 2021 and I realize on December 10, 2021, Captain Melendez place 22 yrs old female officer, Officer Sultana to take my place to work in the morning. Officer Sultana small female like me but she is young female officer. For this reason I believed the reason Captain Melendez refused me to work in the morning shift because of my age

13. Did you admit it's false statement as per Rodalton Poole statement on October 2, 2024 in court that the reason of my termination on April 12, 2022 because of my poor working performance because on the day I was discharge Sgt Rodriguez did not discussed of my poor performance about the job but he clearly stated my discharge because of misconduct of praying of the reason of I will get written up and leading to my constructive discharge he told me that (See Exhibit L-3):

- a. *"I didn't fired you, I just wanted to write you up for walking out the post"*
When Sgt Rodriguez aware that I walked out the post in order to pray when he was asked me when I just arrived from the mosque. He said "what's going on" and I said "I

don't know", "You called me, you tell me" and Sgt Rodriguez replied "why you walked out the post" and I replied to him "I have to pray", "this job it's not for you, you have to choose God or a job and I said I choose God first

14. (See Exhibit B-4), (See Exhibit B-5)(Did you admit **there is no material dispute** that Sgt Rodriguez told me approximately at 12:30 am -0145 am on April 9, 2022 on the day I was constructive discharge said my second pick of vacation date was approved because if they have intention to terminated me there is no need for the department approved my vacation if I will terminated on April 12, 2022
15. (See Exhibit L-3, EMAIL NOTIFICATION TO HOSPITAL ADMINISTRATION ABOUT THE CONSTRUCTIVE DISCHARGE ON 04/09/2022)&(See Exhibit)(S-5, EEOC RESPONDENT POSITON STATEMENT),section II, Paragraph 2),**DID you admit that there is no material dispute that** The defendant had given false statements on EEOC position statement stated that on April 09, 2022 I made phone call to request relieve from my post at 0445 am and leave my post at 0445 am. This statement is false statements because I leave my post at 0458 am and I didn't made phone call on 04/09/2022 at 0445 am OR leave my post at 0445 am on 04/09/2022 because the department already giving me the stern statement on 04/07/2022 that they will not accommodated my early prayer time anymore so I did not bother to called them anymore for relief on 04/09/2022 butI already asked permission from Hospital Administration to leave my post in case if nobody relieved to pray on time(See Exhibit F,PARAGRAPH 9, EMAIL TO HOSPITAL ADMINISTRATION) when I stated on the email " *Allah commands to pray come first and HP command not to abandon the post come second if nobody comes relief me to pray*".
16. (See Exhibit L-3, EMAIL NOTIFICATION TO HOSPITAL ADMINISTRATION ABOUT THE CONSTRUCTIVE DISCHARGE ON 04/09/2022)&(See Exhibit)(S-5, EEOC RESPONDENT POSITON STATEMENT),section II, Paragraph 2),**DID you admit that there is no material dispute,** The defendant had given false statements on EEOC position statement stated that on April 09, 2022 I made phone call to request relieve from my post at 0445 am and leave my post at 0445 am. This statement is false statements because I leave my post at 0458 am and I didn't made phone call on 04/09/2022 at 0445 am OR leave my post at 0445 am on 04/09/2022 because the department already giving me the stern statement on 04/07/2022 that they will not accommodated my early prayer time anymore so I did not bother to called them anymore for relief on 04/09/2022 but already asked permission from Hospital Administration to leave my post in case if nobody relieved to pray on time(See Exhibit F,PARAGRAPH 9, EMAIL TO

HOSPITAL ADMINISTRATION) when I stated on the email " *Allah commands to pray come first and HP command not to abandon the post come second if nobody comes relief me to pray*".

17. (See Exhibit L-3) **DID you admit that there is no material dispute**, that the false statement on EEOC position statement keep mentioned the incident of my constructive discharge on April 9, 2022 happened at Captain Melendez office because Captain Melendez working at AM shift and he wasn't there but the facts all of these incident happened at ROLLCALL briefing office or Tour commander and Field Supervisors office (See respondent Position statement on Page 5, paragraph 1, Line :3-8 first paragraph

"Charging Party repeatedly stated "God First " and Placed her shield, Identification card and keys on Melendez's desk ...Charging Party left Melendez's office but returned to give Rodriguez her bulletproof vest"

because this incident did not happened at Captain Melendez's office and this incident happened at ROLL-Call briefing room (Field supervisor and tour commander rooms)and I gave my bullet proved vest to Officer Wood

18. (See Exhibit L-3) **DID you admit that there is no material dispute**, that it's false statement when EEOC position statement keep mentioned the incident of my constructive discharge on April 9, 2022 that I gave my bulletproof vest to Sgt Rodriguez because I gave my bulletproof to officer Wood. (See respondent Position statement on Page 5, paragraph 1, Line :5-7 first paragraph

"Charging Party repeatedly stated "God First " and Placed her shield, Identification card and keys on Melendez's desk ...Charging Party left Melendez's office but returned to give Rodriguez her bulletproof vest" because this incident did not happened at Captain Melendez's office and this incident happened at ROLL-Call briefing room (Field supervisor and tour commander rooms)and I gave my bullet proved vest to Officer Wood

19. **DID you admit that there is no material dispute**, that according to EEOC investigator, Henry Elmore, EEOC Miami the reason my case was dismissed because of the undue hardship but the fact there is no undue hardship when There's 5 unnecessary officer who busy discharge me during my prayer time frame on 0458 am – 06;00 am instead of relief me to pray, the department discharge me instead which cost me my constructive discharge (See Exhibit L-3)(Officer Jones, Officer Martinez, Officer Woods, Detective King and Sgt Rodriguez
20. Did you admit it was false statement when on your position statement mentioned that I leave my post at 0445 am on April 9, 2022 but the facts I leave my post at 0458 am (See Exhibit L-5, See CCTV Camera footage on April 9, 2022 and phone line conversation between Post 4 Main Lobby(Erica Febrianti) and Central Command stations(Officer Jones, Officer Martinez, Officer Woods, Detective King, Sgt Rodriguez)

21. Did you admit that there is no material fact or dispute when 2 days prior my discharge On April 7, 2022 the department already refuse the accommodation to early prayer time and Sgt Rosado said on the recording line on the phone from central command and post 4 main lobby said "sorry no more early prayer time for you any more, Sgt Rodriguez already instructed all central command officer and all field supervisors to relieve late to pray and Central Command, Officer Wood stated to me on the phone that Sgt Rodriguez instructed him to relief to pray at 0513 am which is will be late for me to pray and I told Officer Wood if nobody relief me to pray I will walked out the post and when I walked out the post Detective King came to relief me to pray in contingency situation which I have to walked out the post in order to be relief to pray.
22. **DID you admit that there is no material dispute, that I was asked to Login to NYC Health+Hospitals account asked me to access my account twice in order the department prepare for premeditated undue hardship when which I Believed leading to my premeditated undue hardship created by Department when On April 8, 2022 to April 9, 2022, Sgt Rodriguez requested to Log-in to my employee NYC Health+Hospitals account in order to erase my negative working performance in preparing for premeditated undue hardship incident when in the beginning of the shift approximately at 11:50 Pm to April 9, 2022 at 12:05 am I was asked by Sgt Rodriguez and Captain Laboy to Login to my account using Sgt Rodriguez computer desk, not employee computer and the second login when I was told to go upstairs to log-in to my NYC Health+Hospitals account again using Sgt Rodriguez computer when Sgt Rodriguez said he log out from my account by mistake and he wanted me to login to my account again and prior my first request log-in to my Employee account at April 8, 2022 at beginning at roll call approximately on 11:45 pm -11:59 PM and Approximately at 12:30 am-01:44 am Officer Chapagain came to my post and told me Sgt Rodriguez told me to relief me to go upstairs**
23. Did you admit that there's no material dispute that Officer Chapagain asked me question which I Believed leading to my premeditated undue hardship created by Department when Officer Chapagain said "I heard that you will sue the hospital, Can you tell me under which organization". I reply Officer Chapagain "NLRB".
24. **Did you admit that there's no material dispute that Sgt Rodriguez and Captain Laboy need to login to my NYC Health+Hospitals employee Account twice on April 9, 2022 at the beginning of the shift (11:50 PM- 11:59 PM) and Prior my lunch hour approximately at 1220 am -01:45 am in order to deleted my original negative working which I received in November 19, 2021 (see Exhibit Q) because as precaution of age discrimination in future because the department aware of their false statement negative working performance because of my age was given to me on November 19, 2022 and they aware that the negative working performance which given to me on November 19, 2021 was premeditated negative working performance because of my age and they department have premeditated plan for undue hardship discharge and that is the reason on position statement mentioned on Page 5, Line, 7-9 stated: because the reason I went to go back to my locker in order to pick up my negative working performance which deleted by the respondent prior my constructive discharge: on position statement mentioned on Page 5, Line, 7-9 stated**

On April 11, 2022 the charging Party appeared at Metropolitan and cleared her personal property from her locker. No resignation letter

was ever received from Charging Party but she did not returned to work after that day, April 11, 2022

25. Did you admit there's no material facts dispute that On the day I was discharge On April 9, 2022 Sgt Rodriguez told me specifically that the reason I was get written up because of misconduct praying when he said "I did not fired you, I just wanted to write-you up for walking out the post" when He was aware that I was walking out the post in order to pray.(See Exhibit L-3)
26. Did you admit there's no material facts dispute that *the reason the respondent took my post 2B from my assignment when this post is freedom post and accommodated to pray on time because post 2B no need relief I can pray without requested for relief because of my age cause adverse to the department the respondent look another strategy of premeditated of undue hardship because the respondent wanted to discharge me because of my age and with giving me post 4 main lobby assignment it's easy for them to created premeditated of undue hardship because they aware that how much I was dedicated myself to my prayer as part of my religion and they aware that on April 9, 2022 that I will walked the post in order to pray from the email I sent to Hospital Administration which I sent to them on April 7, 2022 (See Exhibit F) and Exhibit N-2) when I requested permission to walked out my post if nobody relief me to pray. See Exhibit F, Paragraph 7 "Allah commands to pray come first and HP command not to abandoned the post come second if nobody relief me to pray". The department prepare for premeditated undue hardship because the department have additional officers that day (See Exhibit C-19) indicated that the post 7 was assigned when the department have additional officer which the Hospital Police department aware that I will walked out the post if nobody relief me to pray and when I was discharge the department have back up to replace my post 4 main lobby*
27. Did you admit there's no material facts dispute that and solid evidence cannot be disputed that In the end of January 2022, I was told by Sgt Rodriguez that they remove me unrestricted post 2B from my assignment because they eliminate unrestricted post 2B from midnight shift assignment, but I found out the department give post 2B assigned to another officer in order for me not able to pray on time because while Detective king was on her leave not sure her leave for my internal religious complaint or on her vacation leave when Sgt Rodriguez came to post 4 main lobby stated that "that's why I give you post 2B so you can pray". From this statement I strongly believed is burden prove of religion discrimination I was removed from post 2B main lobby in order to created the premeditated of undue hardship incident which I will able to terminated because I am older female new officer because according to one lady statement that the department can't wait for Officer Day to retired because "she was old and she called sick a lot". Everything make sense until I met Officer Day, E in person and she said she will be retired soon but I realize I did not see her since I was started working at Metropolitan July 23, 2021 and not sure if she just comeback from her sick days but I believed Officer Day, E was started Academy in young age and once she was getting old, her age become the adverse employment action to the department which effecting me because the department believed I will be the next future Officer Day, E in the few years from now and that's why the Detective King think and said opinion to the department it's useless to trained me because I will be cause undue burden to the department because of my age. The lady statement stated that:

there is another lady who used to work at post 4 main Lobby and she was old and called sick a lot, the department can't wait for her to retired"

28. **Did you admit there's no material facts dispute that that See Exhibit S-10,(See Exhibit B-4, Exhibit B-5, Exhibit C-8)**Vacation forms was given last minute On April 07,2022 By Sgt Rodriguez because they have initiated to discharge me by create "undue hardship" incidents so before they discharge me they wanted to cleanup the mess by giving me the vacation forms with the Name of Officer Haigler on it. Prior this incident I was told I will not get the vacation form to filled out last January – March 2022 because I was told I will get leftover vacation.Sgt Rodriguez trying to erase my negative working performance docs on 04/09/22 by asking the password of my employee account but indeed my negative working performance was erase from my account but the initiated to create "undue hardship" so they can discharged me without undue burden of age discrimination in the future. But I have the copy of negative working performance prior the deletion inside my locker which I was picking up the write-ups on April 11, 2022
29. Did you admit Prior this incident I remember one time I was removed from unrestricted midnight shift post 2B to restricted midnight shift post 4 main lobby by Detective King while she was assigned to Central command desk in order not to accommodated to pray when Sgt Rodriguez came to my post while Detective king on her my allegation leave
30. Did you admit that the reason I was remove from post 2B to Post 4 in order to have premeditated plan of undue hardship discharge Believed 2 days or a week later, Sgt Rodriguez said to me they remove unrestricted post 2B from my assignment because they eliminate unrestricted post 2B from midnight shift assignment but I found out they still have post 2B but the department assigned this post to another officer.
31. (See Exhibit L-5 and CCTV camera at Post 4 Main Lobby) Did you admit that no material dispute that the respondent give false statement to EEOC that On respondent position statement said according to Captain Melendez said that I leave my post at 0445 am. This statement was false statement he wasn't there he worked in the morning shift. The facts I leave my post at 0458 am (See Exhibit S-5 position statement file page, section II, Paragraph 2).
32. Did you admit that no material dispute On April 8, 2022 approximately at 11:45 pm to 12:00 am Sgt Rodriguez and Captain Laboy asked me to Login my NYC Health+Hospitals employee account twice in order to deleted my negative working environment which I received on November 19, 2022 because the respondent aware that this negative working performance was created because of my age and that's why the respondent position statement alter the negative working performance by adding the Sgt Rosado modification because my first negative working performance was indicated created by Profile (See Exhibit Q, Page 12-34) and the audit history computer log-in was created by Captain Melendez and transfer by Mullet(HR) and transferred to Sgt Rosado on the same date but the system stated the file created by Captain Melendez which the same time the department according to the lady statement that "the department can't wait for her to retired"

33. *Did on position statement mentioned on Page 5, Line, 7-9 stated the respondent giving false statement to EEOC when I was accused leaving my post during undue hardship but Indeed I leave my post without undue hardship of the employer?*

AGE DISCRIMINATION

34. Did you admit that there is no material to be disputed that my negative working performance was deleted from my file after my discharge on April 9, 2022 when I was realize my negative working performance not longer on nyc-health hospital file when the reason I came to hospital on April 11, 2022(See EEOC Position Statement, Page 5, Line ;7-9) because the reason I came to hospital because I need my negative working performance file which I received on November 19, 2021 as proved that when I strongly believed my religious constructive discharge was related to discrimination based on my age too after I revealed my age range during locker rooms conversation with Detective King , our locker was side by side and when Detective King told me that she was 44 years old and 4 grand kids and I reply to her Me too, in the kind of that age range and soon after Captain Melendez requested the Covid vaccine to submit to him(See Exhibit I) eventhough I already submit my covid vaccine card to OHS at 6th floor. The first person who refuse me to pray is Detective King when I asked her after Officer Phillips Departure from Central Command and Detective King started working on Central Command to replace Officer Phillips and I told Detective king that I need to pray and Detective King said "what" "pray" and she said if wanted to pray I need the permission from Tour Commander and Field Supervisor the night before and Detective King said must be requested during roll call which I did requested during roll call the night before and the first refusal from Sgt Rodriguez during roll call that when I told Sgt Rodriguez that I needed to pray he said "WE all pray to almighty God, and we pray where we stand". I told him during roll call I can't pray on my post because I need to do the ablution and I need to cover my hair and go to 12th floor mosque and Sgt Rodriguez said "we don't need to stop the operation"(See Exhibit F, See Exhibit N-2). Not long after from this incident Sgt Blount came to my post and at the time Officer Smith was assigned to Central Command. Sgt Blount said to me that I need to hold the bathroom when I regularly need to relief my self and pray and On the same day I was told to hold my bathroom and Officer Smith was assigned to Central Command Officer and when I called for bathroom relief Officer Smith told me on the recorded phone line that Sgt Blount told him not to relief me for bathroom and I walked the post that day because I have extremely bathroom urges and my stomach was extremely painful and after all of these incident happened and I started receiving negative working environment and leading to my constructive discharge on April 9, 2022.

Did you admit that there are no material disputes on these statements?

DID you admit there is no material dispute on this statement that (See Exhibit L-4)ALL MY DISCRIMINATION UNDER PROBATIONARY PERIOD; MAY 3, 2021-APRIL 09, 2022;CONTINGENT PERIOD (See Exhibit X) ;(See Exhibit R) Upon contingent the completion pre-employment of physical examination (MMR Vaccine) : I have to pass contingent

period in order to enter probationary period and all my discrimination should not be time barred because the termination letter mentioned I was failed on "probationary period"(SEE EXHIBIT L-4) and must include contingent period too which indicated that my rights as woman become the decision of the employer in order to be hired such as "I cannot get pregnant within 3 months or I must signed the consent paper if get pregnant the MMR will harm the babies and Also tightening the belt during police academy after submit the doctors note which contain woman holding the belly and the heading note written: HEALTH CARE FOR WOMEN OB GYN when Captain Padilla instructed Detective Santa Lay to tightened my belt against my will or I will get discharge. Captain Padilla said "IF YOU HAVE A BELT LIKE I WILL TAKE YOU UPSTAIRS" taking upstairs meaning preparing the paperwork of the discharge believed tightened the belt is illegal because women might be pregnant or bearing the child.

Religious Discrimination

According to supreme court law about religious freedom is Employer must accommodate the religious accommodation to Employee except the undue hardship must cost the "Substantial cost" to Employer.

Did you admit there is no material dispute on this statement that:

Supreme Court cases Religious freedom

Groff v. DeJoy, 35 F. 4th 162, 166 (3d Cir. 2022). The case postal service **Groff v postal worker** is different case with my situation because in my situation there's no undue hardship at all but the disparate treatment because on April 7, 2022 the Hospital Police Department verbally mentioned to me they were not willing to accommodated my accommodation to pray on time anymore. Sgt Rosado said to me over the phone and he said "Sorry no more early prayer time for you anymore, Officer Wood said to me if I walked the post I get write-ups I will be relief late to pray from now-on.(See Exhibit A)This statement contradiction with my first internal religious complaint through email to Captain Melendez that I need to pray on time and I need to be relief before the prayer time so I can have enough time for ablution, bathroom relief and enough time to travel 12th floor mosque in order to pray on time. I provide the verse from the Qur'an that I must pray on time.

(See Exhibit L-5)Did you admit there is no material dispute on this statement that the false statement at position statement indicated thatOn April 9,2022 I was calling central at 0445 am because I did not calling at 4:45 am on April 9, 2022 because on April 7, 2022 the department already no more early prayer time for you anymore and from now-on I will be relief late to pray if I walked out the post I will get write-ups and I leave my post at 0458 am at April 9, 2022 without undue hardship of the employer :on Page 4, Paragraph 4, Line 1-4, Stated:

Melendez said that on April 9, 2022 at 4:33 AM there was a panic alarm requiring response from multiple Hospital Police officers. Melendez was informed that Charging Party abandoned her post, post 4 in the main lobby, after calling central at 4:45 AM seeking relief to pray. Charging Party's scheduled prayer relief time was 5:09 AM

Constructive Discharge: On April 09,2022(See Exhibit L-3)

(See Exhibit N-2)On April 7, 2022, Officer Wood(Central Command officer) said to me over the phone that Sgt Rodriguez told him to relieve me late to pray at 0513 am. He transfer the call to Sgt Rosado(Field Supervisor) and Sgt Rosado said to me over the phone "Sorry No more earlier prayer

time for you, Sgt Rodriguez instructed all the central command officers and Field supervisors to relieve me late to pray from now-on".

April 8, 2022(waiting email from the hospital administration to the situation to response) no reply.

April 9, 2022 come to work ready for the worst (nobody me to pray and I walked out the post and asked by Sgt Rodriguez that I need to choose between God or a Job) in order to work there I choose "God first" I give my police Equipment such as Keys, ID, Radio, Etc

See Exhibit L-3, April 10, 2022 Notification of my constructive discharge to CEO Operation(Michelle Figueora) & Director of Operation (John Muniz). This 2 people is the highest person who run the hospital who were above my captain, Sergeant and Lieutenant in Hospital Police department. On the email I asked if my prayer time conflict with HP police operation.

See Exhibit L-4 Termination letter indicated **"please be advised you have not satisfactorily completed your probationary period, therefore your service as special officer in the HP department NYC health+Hospitals are hereby terminated effective close to business today, April 12, 2022**

Did you admit that there is no material dispute that (See Exhibit L-3)There was no undue hardship on 04/09/2022 while I was praying on my religious

discrimination case because Officer Martinez called me on the radio from central command phone approximated at 0509 am while I was praying and I spoke to officer Jones at 0458 am from central command phone to notified her that I will leave my post in order to pray because nobody relieve me to pray.(See Exhibit L-5).

Did you admit that there is no material dispute that I leave my post at 0458 am on 04/09/2022 and The department had 5 unnecessary officers on 04/09/2022 between approximately 0500-0530 am included Sgt Rodriguez at central command station HP Headquarters(officerwood, officer Jones, officer Martinez, Detective king)which they supposed to relieve me to pray instead of chitchat doing nothing. One of them supposed to relieve me to pray. One more time I would like to tell the court and wallahu alazheem there was no undue hardship. Allah is my witness. My post save and clear. I was confused when the respondent said undue hardship to the employer.

I heard their voice of many officers at central command when Sgt Rodriguez opened the central command

door when he sees me on the camera when I arrived from 12th floor from the mosque after the radio distracted me during my prayer asked me to report to roll call office at 8th floor Hospital Police Headquarters.

Did you admit that there is no material dispute WHEN There was no undue hardship but the department was busy to discharged me. Approximately At 0509 I heard the radio to 10-2 meaning report to misconduct of praying. Approximately At 0515 talking to Sgt

Rodriguez that I was asked to choose God or a job in order to work there(**See Exhibit L-3**)

Approximately At 0525 officer Jones called me in the locker from central command that they needed

the hat badge too. Approximately At 0530 I give my bulletproof, police memo book, my badges to officer Wood.

So definitely the officers & Hospital Police department was busy to discharged me. Detective king was not say much because she was there at central command office when the department was there for her and prepare for my discharge because of my internal religious complaint against her.

On 04/09/2022 we have additional officers that night because we have post 7 (**See Exhibit C-19**) stated that on this exhibit that post 7 assigned only if we have more officers and post 2b was assigned to officer chapagain. Post 2B supposed to work on ER only not moving officer or responding the call outside ER but that night post 2B was assigned to somewhere else. Post 2B supposed to relieve me to pray. But nobody relieved me to pray But my post safe and clear and once again I would like to tell the court that I leave my post at 0458 am (**See Exhibit L-3, See Exhibit L-5**). As per original EEOC complaint submission at April 13, 2022 I told EEOC that I leave my post at 0458 am when nobody relieved to pray(**See Exhibit Exhibit L-5**).

Did you aware there is no material dispute On respondent position statement said according to Captain Melendez said that I leave my post at 0445 am. This statement was false statement he wasn't there he worked in the morning shift. (**See Exhibit S-5 position statement file page, section II, Paragraph 2**).

I wanted to tell the court I leave my post at 0458 am and I did not given the accommodation to pray and pre-dawn meal accommodation for Ramadan. My prayer time at 0509 am and I need 10 minutes for bathroom relieve and ablutions and I was not given pre dawn meal(suhur) to eat.I was requested to pray accomodation needed to eat in order to fast for 14 hours for Ramadan in my email to hospital administration(**See Exhibit F and Exhibit N-2**) but no reply I was discharge instead.

Did you admit there is no material dispute thaMy intention to be pregnant is the contingency of the employment in order to be hired in NYC Health+Hospitals. I was told by DR. Willby that I can't get pregnant within 3 month in order to be hired and I was required to sign the consent that the MMR will harm the fetus or baby if I am pregnant. Dr Willby did not accommodated my intention to be pregnant or asked me to sign the paper to waive the requirement of the MMR vaccine. I told her that I have intention to be pregnant but my request was denied. She still insisted to take the MMR vaccine or I will not getting the job. I was asked to sign the paper of consent that MMR vaccine will harm the fetus or baby if I am pregnant.

(See Exhibit A-3) In March 2022 I was told by Captain Laboy to go to OHS 6th floor (Employee Health) and when I went to OHS 6th floor Dr. Wilby said she wanted to give me the second MMR vaccine and she said I should come back last year in June 2021 to take the second MMR vaccine but I did not come but I already provide her the documentation from Baruch College that I already took the MMR vaccine but DR. Wilby said she need the lab report.

DID you admit that there is no material dispute that (See Exhibit A3) My question was if second MMR vaccine can be hold until March 2022 why DR. Wilby did not let me to waive the vaccine in order to be pregnant at first place in March 22 2021 because I told Dr. Wilby that I already have one MMR vaccine on my admission to Baruch College (See Exhibit C-6) and she did not let me to provide the paperwork of MMR vaccine from Baruch College to waive the requirement to accommodate my intention to be pregnant in March 22 or March 28, 2021 and DR Wilby still insisted to take the MMR Vaccine as requirement in order to be hired.

I told the nurse Beverly who give me the MMR vaccine injection that I am planning to get pregnant and I already took the MMR vaccine from the admissions to Baruch College and she put down the needle and go back speak to Dr. Wilby and Nurse Beverly notified Dr Willby that I already took the MMR vaccine from Baruch College and Dr Willby tell the nurse Beverly about me that "She don't understand she need 2 MMR vaccine in order to be hired" and Dr. Willby said to take the MMR vaccine now and come back with the MMR documentation from Baruch College.

Did you admit that On the paper at (See Exhibit A3) is the proof of my second MMR vaccine can be hold until March 2022. On the paper stated that "EXAM TYPE: Pre Employment, Updated" on March 7, 2022

I have the text message on March 4, 2022 and Mahmuda Hospital Care Investigator List #586 said she didn't mandated to take the MMR vaccine in order to be clear for medical clearance on March 4, 2022 for the Hospital Care Investigation position at NYC Health+Hospitals. See Exhibit B1

I think she told me verbally she was asked for draw the blood only for her medical clearance requirement.

In addition On march 4, 2022 at OHS 6th floor she show me her Exhibit S of her Hospital Care Investigator List :586 with her name, her address and her list number and the address to go for background interview with the time and the date of appointment written on the paper. The paper similar with my special officer job offer which I was received on November 2020 (Exhibit S).

I met Dr. Wilby twice. The first one I met her on March 04, 2022 and she told me to clear my medical clearance from last year and she told me I supposed to come back for 2nd MMR vaccine in June 2021 but I didn't come back for the vaccine. I realize I was accidently pregnant on June 2021. I did not hear

anything from her until I was told by Captain Laboy to go to OHS 6th floor to Dr Wilby office in March 2022.

Dr Wilby instructed me take the second MMR vaccine again on March 04, 2022 for medical clearance but I refuse and I told her I can't take another MMR vaccine because I already took it from school. I was told I will relief from duty if I didn't take it. I told her I will get the copy from MMR vaccine from my school at Baruch College. She told me I must get lab report from my school. I went to Baruch College admission and they said they only able to give this paper only(See EXHIBIT C-6.) Baruch College give legitimate paperwork that I took the MMR vaccine and I remember I took the MMR vaccine at the school, See Exhibit C-6. Baruch College admission said the doctors can use the blood work to check if I was Immune to MMR vaccine and she said she don't know why my employer make it as big deal and need the lab report. it was not a big deal she said but I told her it's for employment or I will be relief from duty if I do not have lab report. I went to Baruch College on the same day Friday, March 4, 2022 to get my MMR vaccine paperwork. I was off on the weekend on March 5 (Friday night to Saturday morning) and March 6, 2022 (Saturday night to Sunday Morning). See Exhibit C-9.

On March 07, 2022 The second time I met Dr Wilby in order to submit my MMR vaccine paperwork without lab report from Baruch College. See Exhibit C-6 and she was accepted the paper and she said my medical was clear and she gave me the paper(Exhibit A3). She said she was just checking to my blood results that I was immune to MMR vaccine. She told me my next annual medical appointment will be on April 18, 2022.(See Exhibit A3)

Did you admit that there is no material disputed that SEE Exhibit Q(1-4), See Exhibit L, See Exhibit M, N, O, P)I can prove the court that my negative performance, denied shift preference and give my shift preference to younger new officer(See Exhibit C-10) or denied request working in the morning shift, did not received training properly as per younger new officer had , denied of rotating working assignment(See Exhibit T), refuse bathroom accommodation, harassment from supervisors during rollcall, refused me to be part of the team, refused to access the surveillance camera when my jacket was missing was prima facie of discrimination because of my age, accusation not checking employee ID(Exhibit A-1).

Did you admit that there is no material dispute that There are many discrepancies on my negative performance because my police memo book indicated that I was off on the day I was told by the Hospital department that I was "fail" to perform some job task(See Exhibit Q,1-4), See Exhibit K,M,N,O,P) and my supervisor evaluation section did not indicated the specific date or incident and the system indicated that the file was created by "profile" all of the date written as the same date:05/03/2021 at 12:03 am(See Exhibit M-66). The respondent give more opportunity to the new younger officer in terms and conditions of the employment.(See Exhibit C-14& Exhibit C-15)

Did you admit that The respondent refuse to hire due to retaliation of I was filling internal religious complaint(See Exhibit A,B,G,F,N-2,L-3) and my protected activity of filling the discrimination case in SDNY in 2015 when I asked the question during psychological interview for special officer interview(See Exhibit R) "Do you have any court proceeding" and I said yes I had discrimination case against my previous employer in 2016.

Did you admit that All DCAS procedure the respondent must send me the mail, email and phone notification about my Hospital Care Investigator List#601(SEE EXHIBIT L-2). I never received any notification in the mail or email or phone from the respondent.

Did you admit that (SEE EXHIBIT M-65)The respondent try to hide the facts that my write up was created by Captain Melendez see the original of my supervisor evaluation which I received on November 19, 2022(See Exhibit M-66) see section 9 on "supervisor evaluation file" stated that the file was created by Captain Melendez after I was submitted the covid vaccine card on September 24,2021(SEE EXHIBIT I), SEE EXHIBIT AUDIT HISTORY, the system said the file was created by Captain Melendez.

Did you admit that Compare to the respondent second evaluation at section 9(the file login log by Sgt Rosado & Captain Melendez login was erase). See my original supervisor evaluation the date sign by Sgt Rosado at Nov 2, 2022 but the evaluation was created by "profile"(See Exhibit Q, Page 12-36)but the file given to me on November 19, 2022 and the file was created by Captain Melendez desk according to Audit History of computer Login History

Did you admit there are no material dispute on this statements that:

First Religious Internal Complaint On February 25,2022(See Exhibit A)

Prior this incident on February 25, 2022(See Exhibit A) I requested the accommodation to be relief early before the prayer time in order to pray on time due to I needed to do ablution, bathroom relief and go to the mosque at 12th floor(See Exhibit A) and provide the verse from Qur'an that I have to pray on time.

Surah Al ma'un Verse 3-7 " Woe for those who pray, who abandoned the prayer after the fixed time".

Did you admit there is no material dispute on this statement that:

Second Religious Internal Complaint(March 27, 2022)(See Exhibit B)

My religious internal complaint against Detective King who refused the accommodation for me to pray and Captain Melendez told me verbally on March 28, 2022(**See Exhibit G**) that “the department will not willing to accommodate the early prayer all the time”, and he said to me verbally some Muslims can pray until sunrise. It’s haram(Forbidden) to pray during sunrise. There was no undue hardship on my second religious internal complaint because When Detective King transfer to Sgt Rosado and Sgt Rosado said why did not called the desk meaning no undue hardship and my post safe and clear(**See Exhibit B**).

My second religious complaint late reply after 24 hours period (Compare Exhibit B and Exhibit C) time frame between 36 hours difference)

Did you admit there are no material dispute on these statements that:

Supreme Court Cases on Religious Freedom

EEOC v. Abercrombie & Fitch Stores, Inc., 575 U.S. 768 (2015): Samantha Elauf refused to hire due to “the look Policy” of her headscarf but the Abercrombie aware and acknowledge she wear it for her religious purposes.

(**See Exhibit C-16**)Same thing with my situation when the Special Officer policy that I must followed the instruction of HP operation that I am not supposed to leave the post and followed instruction of the above Position but Sgt Rodriguez aware I will be walking out the post in order to pray when during my discharge he asked me the questions “ *Why you leave your post*” I replied “ *I have to pray*” and Sgt Rodriguez said “**this job is not for you**”, “**you have to choose God or a job**” I told Sgt Rodriguez I choose God first and I gave him my radio, keys, Shield, etc and there was no undue hardship on 04/09/2022 the department busy to discharge me between 0458 am -0530 am (**See Exhibit L-3**),(**See Exhibit L-5**)when 5 unnecessary officers at Central Command offices doing nothingduration 0458am - 0530 am (**See Exhibit F, Paragraph 9**) when I emphasize on my email to Hospital administration that:

Allah commands to pray come first and HP command not to abandoned the post come second

*The verse in Qur'an when it's time to pray do not listen other instruction except Allah instruction to pray, Prophet of Allah said (**See Exhibit Hadith**) of the important of prayer on time .*

Qur'an verse on Surah Al mu'minun (the Believer) Verse 34-40

And if you ever obey human like yourself you will be losers. Does he promise you that once you are dead and reduced to dust and bones, you will be brought forth "alive"?Impossible, simply impossible is what you are promised! There is nothing beyond our worldly life. We die, others are born, and none will be resurrected. He is no more than a man who has fabricated a lie about Allah, and we will never believe in him.”

Did you admit that there is no material dispute that:

Verbal Statement refusal of my prayer accommodation from Hospital Police Administration

“**This job not for you**” mentioned twice by Captain Melendez and Sgt Rodriguez but Captain Melendez mentioned it first on March 28, 2022 (**See Exhibit G**) when I confronted him and asked him if he

received my internal complaints email (See Exhibit B) and he said yes but he said the department will not accommodate my prayer time all the time and he did mention about "**this job not for you**" and Captain Melendez said "**I know some Muslims can pray until sunrise**" which forbids in my religion to pray at sunrise.

"**This job not for you**" mentioned by Sgt Rodriguez during too my discharge on April 09, 2022 but Sgt Rodriguez added "**you have to choose God or a job**" and I said "**I choose Allah first**" I gave him my keys, my badge, Shield, Etc.

(See Exhibit L-3), (See Exhibit L-5) Prior this statement Sgt Rodriguez asked me which leading me to my constructive discharge "**why you leave your post**" I said "**I Have to pray**" and Sgt Rodriguez replied to me "**This job is not for you, 'you have to choose God or a job'**". I told him I choose "**God First**". I gave him my Keys, ID. Sgt Rodriguez said he did not fired me he just wanted to write-me ups for walking out the post but I have to clock out at 5 am that day comeback tomorrow if I will choose job first and I told Sgt Rodriguez that "**today and tomorrow are the same I will choose 'Allah first'**" I was discharge that day because of my religious belief.

Did you admit that there is no material dispute that on my constructive discharge Sgt Rodriguez did not discuss about negative working performance but Sgt Rodriguez told me to write me up for walking out the post to pray

Did you admit there is no material dispute that Verbal statement from Sgt Rodriguez while Detective King on the leave not sure if she was on her vacation leave or because of my internal religious complaint leave against her. Sgt Rodriguez came to my post approximately between April 1-April 4, 2022 Sgt Rodriguez said "**That's why I give you post 2b so you can pray**" from this statement we know the acknowledgement from TOUR 1 commander (Sgt Rodriguez) of the October 2021 incident will happened again that I will get written-up for abandoned the post in order to pray. (See Exhibit D-5) when Captain Melendez describe "**post abandonment months ago by your direct supervisors**" this statement is not true because my direct supervisors never write-me up for post abandonment but I received the negative working environment signed by direct supervisors (Sgt Rosado & Captain Laboy) (see Exhibit Q) but the audit log in history describe the negative performance created by Captain Melendez (See Exhibit Q, page 32) after I submit the covid card which contain my age and my birthday on September 24, 2021 (See Exhibit I). Supervisors never write-me ups for post abandonment and but the truth is Captain Melendez who write-me ups for no body relief me when I need to relieved bathroom urges and needed to pray. Prior this incident Sgt Rodriguez said to me verbally he doesn't have enough people to relieved me to pray at midnight shift and Sgt Blount said I cannot go to the bathroom and she need the doctors note if I will be going to the bathroom every morning but at the time I can provide the doctors note because the doctors said going to the bathroom every morning not considered sign of sickness.

DID you admit that there is no material dispute that:

1. ADA DISCRIMINATION(SEE EXHIBIT Z-98, EXHIBIT Z-103, EXHIBIT Z-104)

My accommodation to pray struggling to be accommodated has caused me not given the opportunity to request accommodation under ADA due to my prediabetic condition (December 12, 2021- April 09, 2022). I went to the doctor for medical check-ups and the doctor said I have pre-diabetic condition but at the time I was place in post 2B where this post no need relief for bathroom and prayer until in the end of January 2022 I was asked to removed to post 4 main lobby by Detective King (central command officer) and a few weeks later Sgt Rodriguez said to me they eliminate post 2B from midnight shift but I found out

they still have this post 2B but it was assigned to another officers. Since I had been place in post 4 main lobby permanently I got encountered with Detective King and I filled the first religious internal complain(See Exhibit A) and the second internal complaint(See Exhibit B), See Exhibit N-2 and See Exhibit F until leading to my constructive discharge (See Exhibit L-3) and (See Exhibit L-4)

My accommodation to pray on time was struggling to be accommodated made me not able to request the bathroom under "ADA" when I was disclosed my health situation of Prediabetic situation during EEO interview was conducted on April 13, 2022(See Exhibit V) when I said to Steven Strauss "I don't want to blame NYC Health+hospitals for having pre-diabetic condition" and he asked me to filled the bathroom accommodation and discrimination form I did not filled out the form because I already discharge on April 12, 2022(See Exhibit L4). Also Steven Strauss did not let me to finish my sentence when He said "and" .. "and"... when I said " I leave my post without undue hardship of the employer" he did not let me finish the sentence and he shh... me he said "st..SST.. he did not let me to finish my sentence. he said he will called me back but he seems have conflict interest with NYC health+hospitals. He asked to filled the bathroom accommodation form and discrimination form but I did not returned the form back and I filled the EEOC complaint instead that day on April 13, 2022 at 3 pm (See Exhibit L-5), (See Exhibit Y). He did not giving me the opportunity to speak and he limited to say "Yes or NO" question and I do not give the opportunity to speak under free will like EEOC complaint.

Did you admit that there is no material dispute that :

Refusal of Bathroom accommodation and needed the doctors note in order to be accommodated for bathroom

In October 2021 Sgt Blount and Captain Melendez said "*you need the doctor note if you will be going to the bathroom every morning* " but in October 2021 I did not diagnosed for Prediabetic condition yet and the Doctor asked me if I feel normal going to the bathroom every morning and I said yes and he told me going the bath room every morning is not signed of sickness. The doctor said he went to the bathroom every morning too.

2. AGE DISCRIMINATION

(SEE EXHIBIT EEOC DOCS, Page 5 and Page 6, Officer Day, E was list No.12) Did you admit there is no material dispute that that on the same time frame of Officer Day, E was on her transition retired also the same time my training at patrolling post was pause. I believed the department think its waste time to train me when I will be next future Officer Day, E which department can't wait for her to retire because of her age cause an adverse to the department and I came along as older female officer which department believed in few years I will be next Officer Day, E which the department can't wait for her to retired and eliminate because of her age when according to the lady testimony that :

There is another lady who used to work at post 4 main lobby and she is old and she called sick a lots and the department can't wait for her to retired

This time frame also the same time I supposed to received patrolling training but my training was pause because I believed because revealed my age to Detective king when she said she was 44 years old and have 4 grand kids I said "me too but I don't have kids" I reply to Detective King. The situation at the time nothing change much I started not having proper training and Detective king trained me differ than the younger new employees when I realize Detective king did not properly trained me by eliminate some of the task on post 8 assignment (See Exhibit C-19@0300) when she supposed to teach me about central command procedure and I was asked to sit at ER .I was started assigned at midnight shift post 4 main lobby and my patrolling post training was not done and new younger officer(Officer

Chapagain and Officer Smith) already assigned to patrolling post and working on rotating job assignment and After Officer, Day was retired the department put me on post 4 main lobby permanently until one day Officer Phillips leave the desk and Detective king started to replace Officer Philip position and the first time Detective King refuse my prayer accommodation which she told me in order to pray need permission from Tour 1 commander and field supervisors the night before and must requested during rollcall and the first time when I requested to pray during rollcall Sgt Rodriguez refuse the accommodation when he said "We all pray to almighty God and we pray where we stand" which I told him I can pray in my post and I need to go to mosque and pray and doing ablution and he said he try his best and followed up next following week I was refuse bathroom accommodation by Sgt Blount, Detective Robinson, Detective King and Captain Melendez requested for covid card with contain my age and birthday and followed up I received the negative working performance on patrolling post which I did not finish on the training on November 19,2021 and I was write-ups for something which I don't know.

Did you admit there is no material dispute The "But For" of my age the respondent had giving more favorable working condition to the new younger officer(Officer Smith, Chapagain, McLaughlin, Gutierrez) who were graduated from HP police academy on July 23, 2021(**See Exhibit C-15**) the same date as my graduation. I am assigned to Midnight shift on August 9, 2021 with Officer Smith and CHapagain(**See Exhibit C-14**) and Officer Gutierrez and Officer McLaughlin stay in the morning shift(**See Exhibit C-14**). I encountered with Detective King who I was told by field supervisors that Detective king, senior trainer will train the new officers at midnight shift. On the first day Detective king was very nice towards me until a few days later During Locker room conversation with Detective king I was reveal my age range when she said to me that she was 44 year old and have 4 grandkids and I said "me too" I am on that age range but I don't have kids. The next day she acting different towards me but I did not see any significant change on the HP operation because at the time she just regular officers but she did trained me but many time I did not train properly by Detective king because she diminished the step on the post 8 training (**See Exhibit C-19**) @0315 when she skipped to trained me on the central command officer operation training(Must relief central ops for lunch and break) because she asked me to sit on ER and also I did not finish the training post 10 patrolling post training. The condition in HP department change when Detective King was assigned to replace Officer Philip who because the Department started put me on Post 4 main lobby most of the time and since then Department put me on post 4 main lobby with struggle to pray and bathroom accommodation. The new younger officer (Smith, Chapagain) already assigned to patrolling post and Officer Smith was assigned to operate Central command officer and Officer Chapagain already granted to choose his preference shift in October 2021 I did not assigned to patrolling post and followed-up with the training and assigned to patrolling post the next day to patrolling post because my patrolling post training was not done.

Officer Chapagain and Officer Smith were receiving full training for some reason my training was differ that the other new younger officers until Detective Kings was assigned to replace officer Philip to work on central command since then Detective King said I need permission from field supervisors and tour commander in order to pray and I must request the night before and must be request during rollcall in order to pray. The new younger officers were treated better than me in terms and condition of Employment.(**See Exhibit C-14**).(See Exhibit C-15)

Did you admit there is no material dispute that My adverse "But for" cause by my age(Discrepancies on the Negative Working Performance(**See Exhibit Q**)

- Captain Melendez request to submit my covid card which contain my age and birthday to to him and as per respondent position statement stated that I do not need to submit my covid card to Captain Melendez but Captain Melendez asked to submit the card to him (**See Exhibit I**)
- Captain Melendez Refuse to give me my desire shift On October 2021(Morning Shift) "**But For**" my age and giving the morning shift to new younger female officer (22yrs old, Officer Sultana)In December 10,2021(**See Exhibit C-10**), when the morning shift on October 2021 have shortage officers(**See Exhibit S-9**), Captain Melendez said to me in October 2021 that he cannot put me in the morning shift because he has enough female officers to work in the morning but the facts the department do have shortage officers in October 2021(**See Exhibit S-9**) when I was mandated it to work in the morning in many occasions in October- November 2021 from 11:30 pm—0400 pm but from the facts my request to work in the morning was denied "but for" my age and the department had mandated me to work overtime in to cover the shortage officers in October 2021(**See Exhibit S-9**), mandate overtime proof the department need officers to work on morning shift but request denied "**But For**" my age and Captain Melendez give my shift preference new younger female officer 22 yrs old, Officer Sultana to work in the morning shift in December 10, 2021(**See Exhibit C-10**), recent graduate officer December 10, 2021.
- Officer Chapagain move to preference shift in October 2021 and assigned to patrolling post and rotating post assignment(**See Exhibit C-12 & See Exhibit C-13**)
- Officer Smith assigned to Central Command officer training in October 2021 and rotating post assignment(**See Exhibit C-13**)
- Officer Gutierrez New younger Officer who graduated with me was promoted to ER FLEX Officer(**Exhibit C-11**)
- Discrepancies on my negative working performance(**See Exhibit Q, Page 2-4 Or , See Exhibit L**)& RESPONDENT POSITION STATEMENT
 - Discrepancies on my write-ups(**See Exhibit K**) and(**Exhibit C-13**), I **was off on September 12, 2021**
 - My negative working performance stated I was fail on some work performance on patrolling post duties but I did not assigned to the patrolling post on these dates but according to my police memo books I did not assigned to patrolling post on these dates(**See Exhibit M, EXHIBIT N, EXHIBIT O, EXHIBIT P**) My police memo books indicated that I work on Post 4 and post 2B on these dates not assigned to any patrolling post
 - (SEE EXHIBIT S-7)As Per respondent position statement I was assigned to post 4 Main lobby because I am new officer but I am not new officer in the department(**See Exhibit C-15, My graduation Date, July 23,2021**) and **See Exhibit C-10, New Younger who recently Graduated, December 10, 2021 Lower Seniority than me**) was assigned to my desired shift (Morning Shift, should be assigned on midnight shift post 4 main lobby)
- Put me on the Graveyard shifts and give morning to new younger Officer, 22yrs old Officer Sultana to work on my preference shift
- My training was differ with the new younger officers(My training was pause and Sgt Rodriguez and Detective king assigned me to post 4 main lobby which giving me the difficult accommodation for bathroom and to pray and my training in patrolling post was pause (did not

finish) and the younger new officers(Chapagain) already given the opportunity to choose their preference shifts In October 2021(See Exhibit C-12 AND Exhibit C-13) , Rotating Job assignment in Patrolling post

- I never have rotating job assignment to work at patrolling post(See Exhibit T), Indicated never assigned to work on patrolling post
- Put me permanently in restricted post which supposed to assigned to new recent HP police Graduate but "My age" is the adverse made
- Accusing poor performance of not checking the Employee ID from Sgt Desantes see respondent position statement(See Exhibit T), My police memo book indicated the Employee who refused to show her ID meaning I did check the Employee ID(See Exhibit).
- Respondent Position statement stated on

3. Sexes Discrimination Based on Woman

DID you admit that there is no material dispute when (See Exhibit X)My rights as woman to be pregnant become the contingency of the Employment whether should be hired or terminated from the job such as intention to be pregnant become the contingency of the employment when I was told by DR. Willby I cannot get pregnant within 3 months and must sign the consent if I am pregnant the MMR vaccine will harm my fetus or unborn babies or I will not get the job. I told Dr. Willby I have intention to be pregnant and she did not giving me any form to waive the requirement as per respondent position statement said I can be waive by filling the form but DR. willby did not give any form to filled out.I told her already one MMR vaccine from Baruch college but she said I need 2 MMR vaccine in order to be hired.

Also physical force instruction to tightened the belt during police academy while I was pregnant or I will be discharge from HP police academy when Captain Padilla said to me "IF YOU BELT LIKE THAT I WILL TAKE YOU UPSTAIRS" going upstairs meaning will preparing paperwork of discharge from academy. The incident happened after I was submit the doctors which have contain of pregnant woman holding the belly and the heading note stated "HEALTH CARE FOR WOMEN OB GYN".

Exhibit A-3indicated that the MMR vaccine can be hold until March 2022 why Dr. Willby did not let me to waive the MMR vaccine in order to accommodate my intention to be pregnant in the first place in March 22, 2021 because I told Willby that I already have one MMR vaccine from Baruch college(See Exhibit C-6).

Exhibit B-1 ,Exhibit C-1, C-2,C-3,C-4,C-5indicated of the MMR vaccine did not mandated for every new hired (Mahmuda Hospital Care Investigator List :586, said she was not required to take the MMR vaccine in order to pass the terms and conditions of employment in order to be hired for Hospital Care Investigator List #586.

Dr Willby said I cannot get pregnant within 3 months (MMR Vaccine) in order to be hired at NYC Health+Hospitals.

Captain Padilla said "IF YOU HAVE BELT LIKE THAT I WILL TAKE YOU UPSTAIRS", taking upstairs meaning preparing of dismissal paperwork of employment, during Hospital police academy I am the only who force to tightened the belt because Captain Padilla have acknowledge of my pregnancy from the doctors I was submitted regarding my June 25, 2021, My GYN doctor's visit which the note contain the heading picture of pregnant woman holding the belly and the heading stated that "HEALTH CARE FOR WOMEN OB GYN". I become the target because of my pregnancy. Captain Padila instructed Detective Lay to tightened my belt only not

others ladies and She took me to the bathroom and tightened the belt against my will. Captain Padilla Instructed all the Hospital Police candidate "every one go back to classroom except Recruit Febrianti". I believe Tightening the belt is Illegal for woman because woman might be pregnant or bearing the child.

My rights as woman violated when I was told by Dr. Willby that I have to hold pregnancy within 3 months in order to be hired at NYC Health+ Hospitals because I must to take 2 MMR vaccine and I have to sign the paper of consent if I am pregnant the MMR Vaccine will harm the baby. I told Dr. Willby that I had intention to be pregnant. Also, I told Dr. Willby that I already took the MMR vaccine during my admission at Baruch College.

Tightened the belt is the part of company policy as respondent said but I am the only one who were asked to tighten the belt when Captain Padilla said "everybody back to classroom except recruit Febrianti" because Captain Padila aware of my pregnancy.

My condition as woman become the contingency in order to be hired and Discharge from the job during police academy when Captain Padilla I strongly believed have acknowledged of my pregnancy from the note which I was submitted have the picture of heading of woman heading the belly and the heading state "Health Care for Woman OB GYN"

Retaliation: Refuse to Hired as Hospital Care Investigator List: 604(See Exhibit L-2): NYPD refused me to filled my eviction complaint after my CCRB investigation complaint on September 13,2024 when Sgt Paulson said I put word on his mouth when I said "Feel Free to call 911 in sarcastic way by saying We're not going to come) because of my protected activity having lawsuit against the city(NYC Health+ Hospitals and DHS

(EXHIBIT S) of this position DID NOT DELIVERED TO ME in the mail) AS PART OF MAHMUDA STATEMENT, I met the lady at at OHS 6th floor while I was attempted to go to OHS in March 4, 2024 as per Captain Laboy command to go to OHS (Employee Health). Her name is Mahmuda and her list #586. She told me she was there at OHS in order for onboarding process for Physical examination for Hospital Care Investigator(List ; 586) and she was showing me her(**Exhibit S, Onboarding process)which she RECEIVED through mail which contain her , address and her list# and the address for onboarding process will be held which it almost the same with my special officers job offer I was received in the mail.**

The respondent refuse to hired me as hospital investigator list:604 because of my protected activity of filling the internal religious complaint to Hospital police department(**See Exhibit A, Exhibit B, Exhibit E, Exhibit F**) and protected activity of having Discrimination lawsuit against former Employer in Federal Court(SDNY) in 2015(**See Exhibit R**).

This time frame is the same time I supposed to received letter in the mail regarding this position. I never received anything in the mail, email or phone call about this position I believed the respondent refuse to hired me because of protected activity of filling internal religious complaint at NYC Health+Hospitals(**See Exhibit A, Exhibit B, Exhibit N-2, Exhibit F**)and retaliation of my filling the complaint of discrimination of my former employer while during psychological interview question(**See Exhibit R**) I was asked "Do you have any court proceeding" and my answer was yes I had discrimination against my former employer in federal court in 2015.

See Exhibit B-1, Exhibit C-1,c-2,c-3,c-4,c-5)I met the lady on April 4, 2022, Her name is Mahmuda. She said on her text messages during onboarding process she did not asked to take MMR vaccine by the respondent that she was hired As Hospital Investigator and she said she received letter in the mail of her list number was up for onboarding process for the city jobs as Hospital Care investigator and she added she received email and phone too. The lady also show me her(**Exhibit S**) of her Onboarding employment process she received the letter in the mail and email and the phone and almost the same like the form when I received for special officers civil service notification in the mail .**See Exhibit S**

Did you admit that there are no material dispute on these statements:

I believed the respondent had been discriminated against base on disability(ADA), my religion, age, retaliation, my sex, female, in violation of Age discrimination Act of 1975, as amended and violation Title VII of the Civil Rights Act 1964, as amended

Religious discrimination

- **My religious internal complaint late to reply more than 24 hours period(replied within 36 hours Period), COMPARE EXHIBIT B AND EXHIBIT C TIME FRAME**
- **No Undue hardship(more than 5 unnecessary officers in central command office chit chatting) which only one central command officer require for midnight shift during my religious constructive discharge and they supposed to be relief to pray instead**
- **The Undue Hardship in HP department is to discharge me(Officer Jones said " Officer Chapagain" was on his way meaning no Undue hardship.**
- **Officer Martinez called me on HP radio disturbed me while I was in state of praying (Radio transmission command mentioned my shield # and mentioned the code 10-1 to called central command on the phone and the code 10-2 to report to HP head quarter of misconduct of praying, Officer -Martinez also give the instruction to relief post 4 officer to stay on the post permanently because I am not coming back to the post because I was constructive discharge while I was in state of praying, Sgt Rodriguez came out from central command and I heard the voice of officers in central command and I was asked by Sgt Rodriguez to choose "GOD or**

A job" in order to for me to work there and I said I choose "Allah first " I give him all my police equipment such as Shield, ID, Keys, Radio and

- Department(Officer Wood and Sgt Rosado giving me verbally statement on April 7, 2022 not willing to accommodated my early prayer time anymore .
- Sgt Rosado stated to me "Sorry no more early prayer time for you anymore" . Officer Wood stated that if I walked the post I will get written up
- Premeditated Undue hardship(Hospital Administration aware I will walked the post from the email I sent to them on April 7, 2022 when I said on Exhibit F " *Allah Commands to pray always come first and Sgt Rodriguez not to abandoned the post come second*"

Verbal statement from Hospital Police Department intentionally not willing to accommodation for me to pray on April 7, 2022

The court should request the recording of the phone conversation on April 7, 2022 at 0445 am from Hospital police administration when the Hospital Police Department refuse the early accommodation for me to pray when Sgt Rosado(HP Field Supervisor) and Officer Wood (Central Command on duty) said to me verbally over the phone "*sorry no more early prayer time for you anymore*" and "*from now on you will accommodate late to pray*" and "*if you walked the post you will get written up*", "*Sgt Rodriguez given commands to all central command officers and all field supervisors to relieve you to pray from now-on*".

Captain Melendez giving me statement verbally not willing to accommodated my prayer time all the time(See Exhibit G).

The Hospital Police administration, Chief Hospital Police (**Captain Melendez**)already giving me the verbal statement that the departments are not willing to accommodate my prayer time all the time but when I asked Captain Melendez to put the refusal statement in writing he refused and denied the allegation (**See Exhibit G**).

Captain Melendez reply my religious internal complaint 36 hours later from Sunday, February 28, 2022 at 08:48 pm to Tuesday, March 2, 2022 at 10:09 am which is the 36 hours gap failed to response my internal complaint right away.

Did you admit that there is no material dispute that If tightened the belt is part of uniform company policy why I am the only one to force tightened my belt when Captain Padilla said to body back to classroom except recruit Febrianti and after every one leave I was told by Captain Padila that if you have a belt like that I will take you upstairs meaning going upstairs preparing of discharged paper and Captain Padilla instructed Detectives lay to adjust my belt without my freewill. Detective santa lay tightened my belt without my freewill and I came back to classroom and when I sit I feel congested on my fetus and on the same day at 5

See Exhibit Q Did you admit that there is no material dispute the reason the respondent submitted the second evaluation negative performance with Sgt Rosado modification was because you trying to swift the attention that on negative working performance evaluation statements was given to me on

November 19, 2021 (see page 13-33 of exhibit Q)) was created by Detective King compare with the second evaluation statements given to EEOC statement (see exhibit z-65 page) 34-35 by adding Sgt Rosado modification in order to cover pretext prima facie of Employment Discrimination because Detective King who create this negative working performance according to her statement because all my interaction was with Detective King.

Did you admit that there is no material dispute

a. **ADA retaliation**

"but for "my prayer accommodation was struggle to accommodated I was reluctant to request for ADA accommodation if my prayer was struggling to be accommodated I cannot work there. My prayer is my everything and the purpose of life is to pray according to Muslim religion and Allah must come first. I was diagnosed prediabetic in December 2021 and at the time everything was okay because I work at post 2B most of the time until in the end of January 2022 the respondent took post 2B from me and made me struggling for prayer accommodation and bathroom accommodation. I also been advise by 3 different doctors not hold my pee and urinate frequently because I got very serious urinary tract infection but my working condition did not accommodate me for bathroom made me struggling and leading to my constructive discharge on April 9, 2022.

b. **NYPD retaliation**

I went to Department of Human Rights in September 2024 to filled NYPD discrimination complaint prior my evicted from the shelter Approximately In September 2024 and DHR said NYPD have different jurisdiction and DHR advised me to filled NYPD discrimination complaint CCRB which located at 100 church street which the same address as per defense counsel of NYCHHC Rodalton Poole.

I got 26(F) phone conference with Mr. Rodalton Pole to discussed the Schedule Order and Management Plan and on the same night I send email to Department Human Rights to add August 24, 2024 additional sexual harassment complaint to Department Human rights against DHS and the same night I did not allowed back to the shelter and I called 911 operator and they said there is nothing they can do.

NYPD refusal to filled eviction complaint because my race, religion and my protected activity of having lawsuits against NYCHHC,

2. Did you admit (Captain Melendez) when I requested to move to morning shifts as per Sgt Rodriguez advised that I should requested Captain Melendez to move to morning shifts because midnight shift don't have enough officers to relief me for bathroom and prayers and when I asked you (Captain Melendez), on the same day you were give me the write-ups paper but you denied you were the one who given me the write-ups according your statement on Exhibit D-5 the other supervisor you gave me

the write-ups and for this reason :I need the phone conversation, CCTV camera Footage when Officer Smith assigned to work at central command and Captain Melendez said I was get write-ups (See Exhibit D-5),

3. you (Captain Melendez) Said that the department have female officers in the morning and I found out in December 2021(See Exhibit C-10), Captain Melendez place 22th yrs old Officer Sultana who had less seniority than me who graduated on December 10, 2021(See Exhibit C-10) and Also In October 2021 the department do have shortage officers within (See Exhibit S-9) when the forms indicated that I was required for mandate O/T because the morning shifts do need officers but because of my age had prevented me to get the position because Officer CHapagain was move to another shift (See Exhibit C-12 and Exhibit C-13).

4. Did you admit that there is no material to be disputed *As per position statement on Page 6, Paragraph : 4, Line :6-7 : "Desantis noted this was an everyday occurrence with charging party" failed to check ID. My question Why Desantis never came to me about this incident directly and why I heard this incident from Respondent position statement only and I did remember this incident my confrontation with Detective King not with Desantis but In this incident Detective King asked me to not check the ID of the person who came from another entrance of the building(Post 6) and my argument to Detective King regardless which entry they came from once they leave the Main lobby entrance and they have to show their ID again if they wanted to pass the Post 4 Main Lobby because I cannot recognized people for who they are behind the mask and Detective King told me not check ID again but I did explain Desantis about Detective King should act professional not supposed yelled at me in public when she confronted me in front of people and interfering with my job performance and made me not sure what she really wanted and she was angry without no reason and not sure what she really wanted and she mentioned it's going to be on your filed. I did explained Desantis with Detective King behavior should act professional not scolding in the crowd and one the employee stated that I am too stern to check employee ID.*
 - Did you admit that there is no material to be disputed
 - a. *My question to this matter If I according to the respondent that I did not check Employee ID in daily basis why I did not fired prior my constructive discharge on April 9, 2022 because the officer who did not check ID is have probable cause to get terminated because the officer who did not check ID is have probable cause to get terminated on the spot and respondent do not have to wait until I got constructive discharge to fired me?*
 - b. *Detective King confronted this incident because of my age because according to the statement from position statement indicated that the first evaluation did not drafted by SGT Rosado only second evaluation drafted by SGT Rosado meaning this statement creating by Detective King because Detective King many time came to me "it's going to be on your file" all the interaction with Detective king only and I never encountered with Sgt Rosado, Captain Laboy and Captain Laboy meaning this poor performance from her because I revealed my age to her. Why there were many discrepancies on my Negative working environment when my police memo book able to proved it the Negative working performance was pretext especially when the respondent submit the second evaluation*

to EEOC and indicated that the power of the word clearly stated that only the second evaluation was drafted by Sgt Rosado and Sgt Rosado statement on November 19, 2021 stated that the Exhibit Q was not his statement but the statement of the people upstairs.

- c. *Why Sgt Rosado and Captain Laboy did not stated that the Exhibit Q is their statement when he gave the first evaluation on November 19, 2021 ? when I received my negative working performance (See Exhibit Q) on November 19,2021 Sgt Rosado and Captain Laboy did not stated the statement came from Sgt Rosado both (Captain Laboy and Sgt Rosado stated that "People Upstairs don't like you, you failed twice and one more time they will get rid off you" and Detective King also said the same thing when she said "HR it's going to get you"(See Exhibit , Audit History) the poor performance created by Captain Melendez and transfer BY Associated HR and later transfer to Sgt Rosado but all of this incident all started from Detective king when she believed it waste of time to train me because according to the lady who came during the break stated that there were another lady who used to work at post 4 Main Lobby and the department can't wait her to retired because she was old and she was called out sick alots and I believed this statement is from Detective King because she like to chit chat almost know every one from every corner from the Hospital and the department believed I will be next Officer Day, who recently retired (See Exhibit EEOC DOCS, Page 5-6 and Officer Day was retired officer at the list No, 12 at the Rooster).*

5. Did you admit that there is no material to be disputed **SEE EXHIBIT C-19** I did not received the same training as new younger employees have. During patrolling post training (Post 8, Post 9, Post 10) usually the new officer should assigned patrolling post assignment the next following day or a week to learn more about the assignment or to understand further more and can asked any questions the officer might have regarding patrolling post assignments. But in my situation the training was not done properly because after training I did not assigned to patrolling post assignments right away as other new younger Officers (Chapagain and Smith) Instead I was assigned limited only to midnight shift restricted post 4 main lobby most of the time and sometime post 2B and Post 2A. I did not given the opportunity to learn more about patrolling post as other new younger officers had.
6. Did you admit that there is no material to be disputed there are many discrepancies on my negative performance because my police memo book indicated that I was off on the day I was told by the Hospital department that I was "fail" to perform some job task(**See Exhibit Q,1-4**), and my police memo books indicated I was off and I was not assigned to patrolling post (See **ExhibitK,M,N,O,P**).
7. *See Exhibit S-9*, Did you admit that there is no material to be disputed *when Captain Melendez denied my request to work in the morning shift eventhough the morning shift need and have shortage officers in October 2021 and Captain Melendez refuse my request and said the*

department have enough female officer in the morning shift but I found out in December 2021 Captain Melendez place 22yrs old recent graduate female officer, Officer Sultana to work in the morning shift on December 10, 2021

8. Did you admit that there is no material to be disputed which I did not given have rotating shift working assignment like other new officers such as Officer Smith, Officer Chapagain, Officer Sultana were assigned to patrolling post after and given the opportunity they might have and my training at patrolling post was not done and Detective King stop giving me training at post 4 main lobby after I reveal my age to her
9. Did you admit that there is no material to be disputed when I was trained differently than younger new officers when officer Smith and Officer CHapagain were assigned to patrolling post but I was place permanently at post 4 main lobby with struggling accommodation for bathroom relief and prayer on time because the department just relief about Officer Day, E according to the lady statement that "there is another lady who used to work at post 4 main lobby and she is old and called sick a lot and department can't wait for her to retired" which the same time frame according to(Exhibit EEOC DOCS, PAGE 5,6 , List No.12 Officer Day, E)that the department almost get relief from Officer Day due to her age cause adverse to the department and after Detective King found out about I am older new female officer Detective King and department believed it waste time to train me because I will be next future Officer Day, E in few years and I did not trained properly at patrolling post and I started received refusal bathroom accommodation, prayer accommodation and In November 19, 2021 I was received negative working performance which I believed I was received negative working performance because of my age.
10. Did you admit that there is no material to be disputed which there were many discrepancies on my negative working performance which premeditated according to police memo book(See Exhibit Q)
11. Did you admit that how I received negative working performance on patrolling post when the patrolling training assignment is not done and I am not assigned to patrolling post.

Did you admit that The situation on April 9 2022 is the commitment and declaration of my religion when I was told by central command officer Jones on the phone at 04 58 am that I can't pray but that part of moment is crucial to my religion whether I choose Allah first because if I follow miss Jones command not to abandoned my post by not to pray I became disbelievers according to the verse in Quran. Surah al mu minunn verse 34-37 and when I pray the first recitation is Allahu akbar and I recite:

12. Did you admit that there is no material to be disputed See Exhibit D-5 when Captain Melendez denied the allegation of write-me ups for walking out the post he mentioned I was received post abandonment from my other supervisors but the facts Captain Melendez who write-me ups in order for me to do bathroom relief and prayer
13. Did you admit that there is no material to be disputed that Officer CHapagain who younger new officer already have rotating working assignment and allowed to move to choose his own shift in October 2021 but I did not allowed to move to morning shift and Captain Melendez give the morning shift to younger officer(See Exhibit C-12)

14. **See Exhibit Q** Did you admit that there is no material to be disputed *that the negative working performance because of my age when(Why I get write up during on my schedule days off and write-ups on patrolling post even though I am not assigned to patrolling post that day?*
15. **See Page 4 of EEOC position statement Page 4, paragraph 4,** DID you admit that, it is false statement on your position statement that I was abandoned the post at 0445 am because I went to pray at 0458 am(**See Exhibit L-3, See CCTV camera Footage**)
16. Did you admit, it is false statement on your position statement indicated that the undue hardship at the time I was abandoned the post in order to pray according to Captain Melendez statement was at 0445 am But I leave my post at 0458 am when the department had 5 unnecessary officers on April 9, 2022 between 0500—0530 an included Sgt Rodriguez at central command HP HeadQuarters(Officer Wood, Officer Jones, Officer Martinez, Detective King, Sgt Rodriguez).

Did you admit the incident of Undue Hardship on Position Statement was Premeditated plan to discharge me on April 9, 2022 because I filled the Internal Complaint indicated (**See Exhibit G**) when Officer Chapagain asked me

Did you admit that there is no material to be dispute?

Did you admit there is no material dispute on the case when Detective King knew my age during the middle of August, 2021 during locker room conversation with me and on the same time Officer Day, E who was old and according to the lady testimony the department can't wait for her to retired because of her age cause adverse to the department and I strongly believed my negative working performance was created by Detective king because after I revealed my age to detective King my training at patrolling post main lobby pause and followed up with refuse accommodation for bathroom and prayer and I received the negative working performance for something which I don't know and I strongly believed the department think it wasted time to train me because I will be next officer Day, E in few years which the department can't wait for her to retired because she was old and that's why my training differ with younger officer because I am older new officer.

(See Exhibit Docs, Page 5-6, List No.12), According to the lady that:

There is another lady who used to work on Post 4 Main lobby she is old and she called sick a lots and department can't wait for her to retired.

I saw her changing behavior towards me but I did not see any significant change the situation in HP Department because at the time she just regular officer who work at post 8 or patrolling post and as a senior trainer at midnight shift . I saw the significant change in my department when Officer Philip Central Command leave the desk on September,2021 I believed because he refuse to take the covid vaccine and Detective King taking his position as Central Command Officer(**See Exhibit C-12, Exhibit C-**

11, See Exhibit C-13). On September 24, 2021 Captain Melendez requested to submit the Covid card which contain my age and Birthday (See Exhibit I) Since then I started having hostility working environment from Captain Laboy, Sgt Blount , Sgt Rodriguez during rollcall. One time when I requested to be relieved for prayers Detective King told me I supposed to requested Sgt Rodriguez or field supervisors on duty the night before, Must be requested during roll call. I told Sgt Rodriguez during roll call that I need to be relieve tomorrow morning in order to pray and my request was denied and Sgt Rodriguez said "We all pray to almighty God, We pray where we stand", "We can't stop the operation". Since that time I started having difficulties to be relieve for prayer and bathroom. One time Sgt Blount came to post and told me that I have to hold my bathroom urges. I was called central command Officer Smith requested to be relief for bathroom urges and pray and Officer Smith stated that Sgt Blount told him to not relief me for my bathroom. I was walked out my post that day because nobody relieved me to do bathroom urges and need it to pray. I was instructed by central command to 10-2 report(to come upstairs to Hospital Police Quarter) Central command station. Sgt Blount asked me "why did I told you about going to bathroom" . I told Sgt Blount and Sgt Rodriguez that I need to use the bathroom urges and my stomach pain was so painful, and I can not capable to hold anymore. Sgt Blount stated she need it the doctors note if I will be using the bathroom every morning. I told Sgt Rodriguez and Sgt Blount that I need to pray too and Sgt Rodriguez said I suppose to request Captain Melendez to work in the morning shift because they do not have enough people at midnight to relieved me for prayer and bathroom at midnight shift. I believed 3 days or a week after this incident I was receiving a command to go to Captain Melendez office and when I went there Captain Melendez told me it was about I was walked my post the other day and I have to sign the paper of write-ups(See Exhibit D-5). As per email Captain Melendez stated on the (Exhibit D-5) regarding "Post Abandonment" is for Bathroom urges relief and needed to pray. I told him I have bathroom urges and stomach pain and I told him I need to pray too. He said I need to provide Doctors note if I will be using the bathroom every morning. I told him I need to pray too and he told me I have to tell Sgt Rodriguez about prayer. I told him that Sgt Rodriguez told me to move to morning shift so I can get relieve to pray because morning shift have more officers who able to relieve me for bathroom and pray. Captain Melendez stated that he can not move me to the morning shift because he has enough female officer to work in the morning shift but I found out he place 22 yrs old new young female officer (Officer Sultana) in December 10, 2021 to work in the morning shift(See Exhibit C-10) I believed I was refuse to work in the morning shift "But For"because of my age because According to (See Exhibit S-9), the morning shift have shortage officers . After Captain Melendez refused me to work in the morning because of my age I was place to work at post 2B which It was accommodated me for the bathroom and prayer but On the same time I received the first negative performance on November 19, 2021 (See Exhibit Q), which at the time new younger officers who were graduated on the same date as me on July 23, 2021 (Smith and Chapagain) were on the patrolling post training together and assigned to patrolling post and have rotating assignment but my training was postponed by Detective King, Also she also skipped the part of the training on post 8 on central command operation how to operate which part of Post 8 assignment (See Exhibit C-19) and since then Detective King did not finish giving me training on post 8, 10 patrolling post assignment and she started giving me verbal negative working performance and threatened me that she will put negative working performance on my file and she said "It will be on your file" since then I was having many dispute with Detective King many time. Since then many time Detective king came to my post and complaining every single thing and I asked her "why you so negative" and she called the Director Stellas to the main lobby(See Exhibit C-11) and The Director of Stellas said to Detective King that she have rights to say whatever

she wanted to me. Since then Detective king started to yell at me in public and I told Detective King her action was unprofessional until I had one altercation with Detective king try to intervene with my job performance when I was requested the lady to show her ID at post 4 main lobby and Detective King interrupted me that I am not suppose to check her ID again because she came from Post 6 Entrance but I asked the lady she have to show me the ID regardless she came from post 6 or not because I am not assigned to post 6 and I did not see she came from Post 6 Entrance and I did not recognize people who were leaving the hospital because of people wearing the mask and Detective King argue with me that I must recognize people who leave the hospital and the lady was let go without showing ID to pass post 4 Main Lobby since then many employees was complaining about I was being to stern checking Employee ID but I just trying to do my job.

My training at patrolling post being held by Detective King I believed because of I am an older new officer and since then the Hospital Police Department postpone my patrolling post training and I was place to post 2B most of the time and sometime I work at post 4 main lobby while Detective was off but in the end of January, 2022 I was encountered difficulties to pray when I was told By Sgt Rodriguez they eliminate post 2B (Freedom post, No need relief for prayer and bathrooms) from midnight shift but I found out they still post 2B but they assigned the post 2B to another officers, Since then I was started to working on post 4 main lobby (Need relief for bathroom and prayer) permanently. I started having difficulties to be relief for bathroom and prayer. I sent the first internal religious complaint on February 25, 2022 through email to Captain Melendez regarding I need to pray on time and provide the Qur'an Verse that I have to pray on time, I was getting relief late in order to pray, Need relief before the prayer time so I can get enough time for ablution, bathroom urges, travel to 12th floor mosque. (**See Exhibit A and Exhibit D**) . I sent the second internal religious complaint on March 27, 2022 against Detective King when she refused to relief me to pray (**See Exhibit B**) Until all the incidents happened (**See Exhibit F, Exhibit N-2, Exhibit L-3, Exhibit L-4**) and cost me constructive discharge on 04/09/2022.

As per my negative performance said I am encountered with Sgt Rosado but I never encountered with Sgt Rosado instead I am encountered with Detective King and she said she will put negative performance on my file.

Compare The first negative performance(**See Exhibit M-66**) & Respondent Negative Performance(**See Exhibit M-65**) and see section on supervisor evaluation section it stated created "By Profile" with the fixed date & time (**See Exhibit M-66**) and the last page the computer login history the file created by Captain Melendez.

Discrepancies of Respondent response

On respondent response is incorrect on page 2, 2nd paragraph: line 6-8 stated:"

Charging Party was assigned to the midnight tour (12AM – 8 AM) and her supervisors were Supervising Special Officer Charlie Rodriguez ("Rodriguez"), Supervising Special Officer Anibal Rosado ("Rosado") and Special Supervising Officer Luis Desantis ("Desantis").

On July 26- August 7, 2021 I was on training officer at morning shift Tour 2 (0730 am to 1600) at Metropolitan hospital and I am off in the weekend(**See Exhibit C-14 and C-15**)

I was place on midnight shift tour 1 (11:30 pm-08 am) on August 09, 2021. During training at midnight shift I was trained by Detective King. I was told by supervisors that Detective King will trained me for midnight shift procedure(See Exhibit C-14 and C-15).

At beginning everything looks normal and onetime during locker room talk Detective king she told me that she have 4 grand kids and she's 44 years old. I was response to her that "me too" I told her that I am on that age range too but "I don't have kids". Since then she was acting differently and also the whole department such as Captain Laboy used to be nice with me and he started to be acting mean to me. I believe because of I revealed my age to Detective king because they don't want to older lady in Hospital Police Department. Detective king she was hired as Law enforcement at teenager. She was hired on the year 2005 in NYC Health + Hospitals and Officer Martinez was hired on the year 2001(See Exhibit B-4). This 2 officer is senior officers in Midnight shift but they very strict for relieved me for the bathroom break and prayer.

On respondent response is incorrect on page 2, 2nd paragraph, line: no.9-12 stated:

Complainant was tasked with responding to calls, particularly emergency calls and alarms within Metropolitan hospital and implementing security and safety measures to ensure the safety of Respondent's staff, patients and visitors to the facility

We were told during roll call that our tasked was limited to what our supervisors told us to do. We were told we can't arrest anyone if anything happened make sure get the supervisor involved and we're not allowed to arrest someone without supervisor authorization.

As special officers tasks on the respondent response stated that said I supposed "responding the calls, particularly emergency calls and alarms within Metropolitan hospital " but in real life I was told that my tasked must based what central command me to do or supervisors told officer on the radio or verbally to do.

For example, the central operations called on the radio based on the post assignment, " ER unit please response to psych Emergency unit.." when I used to work at post 2B I am a part of additional ER unit and I have to response this called. There are 2 part of ER unit(Post 2A, Post 2) and Post 2B is additional post for ER unit. Supervisor sometime stay in ER unit post 2 but not all the time. Central Command desk send the command to the radio for 10-08(response to particular area) "Post 8,9,10 please response to 10-08 at 7 south" .We responded the call by the code(See Exhibit C-18). When responding the call during academy we were told we have to work together not alone and always request for back up, and My work performance based on what my supervisor asked me to do and I don't have authority to arrest anyone without supervisor involved.

I was told by supervisors during roll call briefing mentioned that we're not supposed to arresting anyone except supervisor must approve it or being called to the location.

On respondent response is incorrect on page 2, 2nd paragraph line: no. 12-15 stated:

Complainant was tasked with patrolling the facility, arresting those who violate the law, as necessary, upholding and reinforcing the System rules and regulations, reporting security issues, suspicious and/or unlawful activity, evicting loiterers and disorderly persons.

The respondent never assigned me to work on rotating job assignment or the opportunity to work on patrolling post or rotating job assignment such as post 8, 9, 10. I always assigned undesirable post 4 main lobby when post 2B was taken away from my assignment in the end of January, 2022.

The respondent response is incorrect on page 2, paragraph 2, line 16-17 stated:

Charging Party was assigned to Post 2 - Emergency Room Area and Post 4 - Main Building's Entrance/Lobby Area because she was a new officer

I never assigned to post 2 this statement is incorrect(See Exhibit T and Exhibit U my police memo book) my most assigned post at Emergency room is post 2B not post 2. This post 2B additional post and freedom post no need relieved for prayer and bathroom. I was told by Sgt Rodriguez during roll call that they eliminate post 2B from midnight shift in the end of January, 2022 but I found out they assign this post to another officer.

Post 2B is additional post for Emergency room. I work on Post 2A or post 4 main lobby sometimes but permanently I work at post 4 main lobby when they eliminate post 2B from my work assignment in the end of January, 2022.

The respondent statement is false statement when they mentioned they assigned me at post 2 because I am new because I have another officers who has lower seniority have the opportunity to grow and they are younger than me.

Officer Sultana, officer Martinez, Officer Gomez are new employees at NYC Health+Hospitals and they started working at NYC Health+Hospitals Metropolitan in December, 2021. They are younger than me and they lower seniority than me but they already assigned for patrolling post, rotating job assignment and work in different post(See Exhibit C-10). They treat me differently because of my age I was given unfavorable post 4 Main Lobby which is very hard for me for bathroom and prayer accommodation.

This post 4 main Lobby required relieved and when I was told when I need to use the bathroom I have to called supervisor which it was difficult working conditions for me I have to hold my bathroom for long hours. I was told I must provide the doctors note for bathroom accommodation when I was receiving the write-ups from Captain Melendez for walking out the post in order to go to the bathrooms and prayer in October 2021. Other officers have access the bathroom without any difficulties.

I don't have the same opportunities like other officers because of my age.

(See Exhibit C-15) There are other officers who have the same date of hire like me on May 3, 2021 because we started academy together and graduated together from academy. There are 4 officers who have same date of hire as me. We graduated the same time from academy on July 23, 2021 and started working at NYCHHC on July 26, 2021. Officer Chapagain, Officer Gutierrez, Officer McLaughlin, Officer Smith. All of these officers are younger than me and they already given the opportunity working on patrolling post and rotating job assignment and desirable working conditions within September, 2021.(See Exhibit C-15)

For example Officer Chapagain. He is younger than me He have the same date of hire as me on May 3, 2021 but he already have opportunity to move to another shift to tour 3 (03:30 pm.to 12 am) in October, 2021(See Exhibit C-12 and Exhibit C-13) and work in different post but the hospital police department never let me to work on patrolling post and rotating job assignment where is more

desirable assignment because this patrolling post is freedom post for bathroom and prayer. I already work there almost a year on April 09, 2022 but they still say I am new because of my age.

Officer McLaughlin he is younger than me and he already have assigned to work on patrolling post and rotating working assignment. I was left behind because of my age. (See Exhibit C-15)

Officer Gutierrez was younger than me and have the same date Hire as me and he already granted the position as Flex schedule officer at Post 2 Emergency room unit which only required 3 days a week working schedule for 12 hours shift (See Exhibit C-17 and Exhibit C-11). Officer Gutierrez transferred to NYPD in or December, 2021.

Officer Smith was younger than me he assigned working at Patrolling post in the beginning at September 2021 and rotating job assignment (post 9, post 10 and training as central command officer starting from October, 2021. But he leave the Department because he got a new job.

Why they assume I have poor my working performance but never assigned me in patrolling post or rotating job assignment like others to learn more and grow. I never assigned to patrolling post since I work there (see Exhibit T and Exhibit U). In addition they eliminate post 2B in the end of January by giving me unfavorable post (post 4 main lobby) this post requires relieved for prayer and bathroom. I don't have no problem for prayer time and bathroom when they assigned me post 2B because this post no need relieved but when they take away 2B from my assignment it's very hard for me to pray and bathroom.

Respondent response is incorrect on page 2 paragraph 2. Line :17-20, Stated:

those post assignments generally had officers nearby to provide Charging Party (as well as any other assigned officer) with assistance if needed. Relief, in the form of another officer, is required before an officer may leave their post

This statement not true. I always have problems for bathroom relieve many time I was told by central command officer and Officer Martinez said they don't have anyone to relieve me. It's very difficult to request the bathroom.

Many time I was denied the bathroom during my menstruation period time because I have discomfort stomach cramp need to go to the bathroom. I was told by Captain Laboy during roll call that I am not allowed to go the locker room after the roll call finish. This locker is the place I can use the bathroom, I was told by Captain Laboy I must go straight to the post even though the time 10 or 15 mins early before 12 am because my shifts started at 12 am. if I work post 2B it's not going to be problem because I can use the bathroom at anytime because this post no need relieved but if I work on post 4 main lobby this post need relieved and my next lunch hour at 0200 am and I have to hold my bathroom until then. One time housekeeping said he will cover the post in order for me to go to the bathroom but I was told I can't asked housekeeping to hold the post because they're not police officers. I was told by Detective King that no bathroom after lunch but sometimes on my period I need it so. Detective Robinson and Officer Martinez were upset when I requested for bathroom. Officer Martinez said "we don't have anyone to relieve you right now". He said I must called supervisor but no one answered my called. I was

refuse to use the bathroom many time sometimes I can hold but it's very painful especially when I have heavy periods my pads was soaked need to be change.

In addition I always relieve from my post 4 main lobby at 0800 am in sharp not early by another officer in the morning when I am finished my shift but I was required to started early at my post(post 4 main lobby)by Captain Laboy, Sgt Blount, they said I must be at my post 10 mins early to my post before my shift started or it's consider late. My shift started at 12AM but I have to be at post 4 main lobby early.

On respondent response is incorrect on page 2, paragraph 3: line: 1-4 Stated:

Charging Party identified as a Muslim and though she never submitted a written request for areligious accommodation regarding time to pray while on duty, the department had a standing verbal agreement with Charging Party ensuring that Charging Party was relieved from her post to pray

This response is incorrect because Captain Melendez and all supervisors never told me to submit a written request for a religious accommodation because I already told them many time during roll call briefing or verbally to central command and Captain Melendez. I told Captain Melendez through email and verbally(see Exhibit A). I already told verbally to Captain Melendez that I need accommodation to pray since October, 2021 and he said I need to speak to Sgt Rodriguez and tell them I need to pray. After this incident I was given post 2B(Additional post Emergency room Unit) and sometime I work at post 4 main lobby or Post 2A (Emergency Room Unit) but in the end of January Sgt Rodriguez said they eliminate post 2B from midnight shift but I found out they assigned this post to another officer.

Since they took my post 2B for me and I was place to work at post 4 main lobby every day when many time I didn't relieve on time in order to pray by Detective king.

I did request verbally to my supervisors at midnight shift(Sgt Rodriguez)central command(Detective King), and through email to Captain Melendez(See Exhibit A) . I sent email to Captain Melendez regarding my concern I did not get relief on time by Detective king(See Exhibit B). I told Captain Melendez verbally and through email that I need to pray on time to fulfill my religious belief obligations and I provide him the verse from the Qur'an that I must to pray on time(See Exhibit A) but Captain Melendez never asked me to fill up "a written request for a religious accommodation regarding to pray while on duty" instead he told me verbally on Post 4 main lobby in the morning of March 28,2022 between 0500- 0600 am that the Hospital Police department was not able to accommodate my earlier prayer time all the time, but after I send another email requested the verbal response on Post 4 main lobby verbal statement regarding that The department not able to accommodate my earlier prayer time statement needed in writing Captain Melendez replied my email that he will investigate the allegations against Detective King . See Exhibit C

The respondent statement is incorrect: Page 2,Paragraf 3, Line : 4-5 Stated:

There were multiple officers in Charging Party's department who also identified as Muslim and were also accommodated by ensuring they were relieved to pray as their faith required.

Respondent statement is incorrect because They're another Muslim officer but my religious beliefs and obligations not based by other officers do it's personal connection with Allah.

Prayer is the Main pillar of Islam. I have to pray on time. It's my religious beliefs also those officers mostly they don't need relieved because their post not required relieved it's not like my post on post 4 main lobby I can't move or use the bathroom. I do not have easy accommodation in order to pray even though I already told Captain Melendez, Sgt Blount and Sgt Rodriguez many time about I need my bathroom and prayer time accommodation.

I. Charging Party's Internal Complaint

The respondent response is incorrect on page 2, Paragraph 4, Line: 5-7 stated:

On March 28, 2022 Charging Party

again emailed Melendez stating Detective Tacora King ("King") was not able to accommodate her earlier prayer time.

This email not sent on March 28, 2022 this email sent on Sunday March 27, 2022 at 08:03 pm (See Exhibit B) But on March 28, 2022 in or around 05:00-0600 am I saw Captain Melendez passing by at Post 4 Main Lobby. I was asked Captain Melendez if he received my email which I sent to him On Sunday, March 27, 2022 at 08:03 pm. He said yes. He said to me verbally that the Hospital Police Department not able to accommodate the early prayer time all the time. See all sequence email on Exhibit D

On respondent response is incorrect on page 2, paragraph 4, line 7-8, continue to page 3, Line: 1 Stated:

On March 29, 2022 Melendez responded to Charging Party's email after a verbal discussion in which Charging Party acknowledged that being relieved late for FAJR prayer was not constant occurrence.

This statement is incorrect. This is constant occurrence On March 29, 2022 while Detective king was place on leave I was relieved on time to pray until when the Detective king coming back everything was change. I believed she was back from her leave on April 04, 2022 but she was not assigned at central command officer. I was received negative impact for not getting relieved on time in 5 days in row since then. On April 4, 2022 Central Operation Officer (P.O Agosto) said he doesn't have anybody to relieved me to pray. I was off on April 5 and April 6, 2022. On April 7, 2022, P.O Wood refused to give me accommodation when I requested to be relief in order to pray. P.O Wood told me on the phone that Sgt Rodriguez told him to relieve me late to pray and he transfer the call to Sgt Rosado. Sgt Rosado also told me that I will get relief from my post at 05:13 am in order to pray. I told him that time will be late for me to pray. I notified him I will walk out the post if nobody relieves me on time. Finally Detective King came to relieve me after I told them I will walk out the post. I had called out sick on (Thursday night to Friday Morning) April 8, 2022 because of pressure I had from my supervisors in my department and on the same time I sent email to the CEO Hospital Administration (Michelle Figueroa, John Muniz, Captain Melendez) on April 7 at 12:57 pm (See Exhibit F) that I need accommodation to leave my post if nobody relieve me to pray. In this position, I had ongoing difficulties being provided relief and I notified my supervisors that if I was not provided relief in a timely and respectful manner, I may be forced to leave my post in order to do pray. I called out sick because I am not feeling comfortable the way they treat my prayer time as less priority. I didn't come on April 08, 2022 (Thursday night to Friday morning).

I did not attend the meeting set up by Captain Melendez because I was calling out sick on on April 08, 2022 because the pressure not getting accommodation to pray on time on April 07, 2022 and my department insisted me to walking out the post in order to pray in order to be relieved. The department not busy but My prayer time just not a high enough priority to them.

The respondent response is incorrect on Page 3, Paragraph 2, Line 1-4 stated:

Melendez responded to Charging Party's email on April 7, 2022 and explained that she was relieved at 5:00 AM by King which was enough time for her FAJR prayer and explained that the Hospital Police department has a Ramadan prayer schedule posted to assist with accommodating all Muslim Officers with their prayer times.

This statement is incorrect. On April 7, 2022 I was called central command at 0445 am in order to relieve me to pray I was told by central command officer Wood that he was instructed by Sgt Rodriguez that I will be relieved pray at 05 13 am. I told him that time will be late for me to pray. Officer Wood transfer the call to supervisor Rosado and he said the department will relieve me to pray at 05 13 am. I told him that I will walk out the post if nobody relieves me and after that Detective King came when I almost walked out from my post. The central officer Wood didn't say Detective king on her way. I believe the department treat my prayer as joke because central command didn't say she was coming. The central command (Officer Wood) and Supervisor on duty(Sgt Rosado) stated that they were not willing to accommodate my prayer time until 0513 am which it will be too late for me to pray. For this reason I was asking the Hospital operation and Administration permission to walked out my post if nobody relieve to pray(See Exhibit F, Paragraph 9) because what they said is not the same about what they do. They said they were not willing to accommodating my prayer until 0513 am until I told them I will walking out the post and the Detective come to relief me.

The respondent response is on Page 3, Paragraph 2, Line 4-5 stated:

Melendez also explained that a meeting had been arranged with labor personnel to further discuss Charging Party's complaints

I sent the second email to reply Captain Melendez email regarding he wanted to arranged the meeting with Fahima Akhter and I reply the email sent On Thursday, April 7, 2022 at 11:46 pm (**see Exhibit E Paragraph 8 & 12**):

Thank you so much for taking my complaint in a serious manner. I really appreciate Captain Melendez having arranged to solve the problem by setting up a meeting with Ms Fahima Akter tomorrow April 8, 2022 at 0900 but I prefer our conversation in writing instead of verbal meeting because from my experience I learned that something we said is not the same as something in writing.

If Ms. Fahima Akhter still would like to set up a meeting with me we should do the meeting during my working hours before 0800 because 0900 is outside my working hours but if I will get paid for the meeting I don't mind. Especially during Ramadan time but I prefer to go home early. Thank you so much for your time. I hope we are able to solve this problem and will not repeat it again in the future

I did not attend the meeting set up by Captain Melendez because I was calling out sick on on April 08, 2022 because I am not feeling well because the pressure not getting accommodation to pray on time on April 07, 2022 and it seems my department insisted me to walking out the post in order to pray in order to be relieved. I know for sure the department not busy and my post 4 main lobby always safe and clear without undue hardship of the employer.

The respondent response is on Page 3, Paragraph 2, Line 1-2 stated:

Charging Party responded to Melendez's email on April 7, 2022 and alleging she was being retaliated against for having complained about not being accommodated for prayer and bathroom time

The situation was getting better while Detective King was on leave the conduct discontinued, but when she returned the behavior continued and escalated. When Detective King coming back from her leave the situation getting worse and All people in my department was against me. Prior I made a claim of Discrimination against Detective King. I only have problem with Detective King. Before Central Command (Officer Wood) never requested permission to Sgt Rodriguez in order to relieved me to pray but after Detective King comeback from her leave they said I will not getting relieved Until 05:13 am on April 07,2022 which it will be late for me to pray. Since Detective King comeback from her leave it seem very difficult to get accommodation in order to pray because they always said they will be accommodating my prayer time but in the real life they are giving hard time in order for me to pray. The department was not busy at all there were no incidents occur but they just not willing to accommodated my prayer time and bathroom.

Respondent response regarding my email about Sgt Blount: Page 3, Paragraph 3, Line : 5-9, stated:

At the time I was instructed by Sgt Blount to delay my bathroom because we were arresting someone but Sgt Blount's command to delayed the bathroom and prayer time is unacceptable, I have religious obligation to fulfill and Allah commanded to pray always come first and Sgt Blount command to hold my bathroom and prayer time come second

Sgt Blount mentioned to me that I can not pray because we were arresting someone but we arrested this person 4 hours ago and my post was clear and safe and the perp on handcuffs upstairs sleeping at rollcall office and the condition on my post was safe. Maybe Sgt Blount busy because she have to wait for DA phone call but She can't commanded me not to pray because we were arresting the person 4 hours ago and it was not current condition at my post and this situation not happened on my post. My post at post 4 main lobby was safe and clear without undue hardship of the employer.

Respondent response regarding my email about Captain Melendez: Page 3, Paragraph 3, Line : 9-11, stated:

I have my rights to ask the pre- disciplinary warning for post abandonment to be removed from my file and I believed it was an unfair Pre-disciplinary warning."

Captain Melendez statement on his email On April 07,2022 at 04:33 pm stated:

I should first clarify that I personally never issued you a "written warning" as you mentioned. However, I do know that you have been having challenges with the job function of a hospital police officer and have received a pre-disciplinary warning for post abandonment months ago by your direct supervisors - which is effecting your probational evaluation. Please note that we will continue helping you in the areas of concerns, as we do with any officers having job performance issues.

(See Exhibit B-55) This statement is not true because he did write me up in October 2021. Sgt Rodriguez called me on the phone to come to Captain Melendez office, and I was told by Captain Melendez to sign

the write-ups paper about I was walked out from my post. The write-ups paper stated that this write-ups will forward to Department of Justice center. I told Captain Melendez the reason I was walking out due to pray and in need to go to bathroom urges. He did not give the copy of this write-ups and he did not give me the chance to read all of it but I saw this write-ups about my poor performance of walking out the post and It does not say the explanation why I was leaving my post. It just said that my poor working performance for abandoned the post.

The respondent response is incorrect on Page 3, Paragraph:4, line: 1-3 Stated:

Charging Party did not attend the meeting Martinez scheduled with labor personnel.

Charging Party's email exchange with Martinez was referred to the Office of EEO and an internal EEO investigation was undertaken.

I was not aware my conversation with Martinez. Who is Martinez? Officer Martinez. But I never have exchange email with the person name Martinez. I am aware I have exchange email with Captain Melendez only about the meeting (see exhibit E). I never have email exchanges email with Martinez. In addition I did not attend the meeting because I was called out sick on April 08, 2022 because the pressure which I had in my working environment and the respondent giving hard time to accommodating to pray On April 7, 2022.

The respondent response is incorrect on Page 3, Paragraph:4, line: 3-6 Stated:

Despite Charging Party being asked to submit an official complaint using the System's EEO complaint form Charging Party neglected to so. Charging Party did participate in the investigation and was interviewed by the Office of EEO on April 13, 2022 where her only allegation was regarding her religious accommodation

At least I didn't refuse the EEO internal interviews with Steven Strauss on April 13, 2022 at 11:13 am for 50 Minutes and 7 second(Exhibit V). I filled the same EEOC complaint on the same day on April 13, 2022 at 3 pm because I think he has a conflict interest with the respondent. I have rights to file the external EEOC complaint when I believed the EEO internal interviewer have conflict interest with NYC Health + Hospitals. I have limited opportunity to speak. I don't want to waste time with EEO internal because all the discrimination lawsuits have limited time frame to filled the charge. I don't believe EEO internal to solve my case because EEO internal interviewer(Steven Strauss) was more emphasize to my bathroom accommodation rather than give more effort to accommodated me to walk out my post in order to pray. I need to permission to pray because it is part of my religious belief if I can not pray I can not work there. Prayer is my everything. In addition while I was try to explained what really happened on 04/09/2022 and I am not capable to express and speak freely because he cut me off during conversation and he said " I will called you back" . I rather go outside agency such as EEOC who doesn't have any conflicts interest with the respondent.

In addition I have to filled the lawsuit to outside agency as part of requirement when I apply the Unemployment Benefits because there is the question on the form I have to filled out if I believed I was discrimination against I have rights to filled the complaint. I must filled the complaint to outside agency (EEOC or Department Of Human Rights).

The respondent response is on Page 3, Paragraph:4, line: 6-8 Stated:

Charging Party complained that she had been relieved from her post late on several occasions and said that being relieved late interferes with her prayer time

I sent 2 separate email to Captain Melendez regarding Detective King who refused to accommodate my early prayer time on March 27,2022 at 08:03 pm(See Exhibit B & Exhibit G) and Captain Melendez verbal statement replied while he was passing Post 4 Main lobby : He stated that the Hospital Police Department not able to accommodate the early prayer time(See Exhibit G). I requested to mentioned in writing statement and I sent Captain Melendez another email on March 28,2022 at 08:55 Pm(See Exhibit G).

The respondent response is incorrect on Page 3, Paragraph:4 , line: 8-11 Stated:

Charging Party acknowledged that her practice is to notify central approximately five minutes prior to the time necessary to pray and central sends relief in response enabling her to use the bathroom and to pray. Charging Party said she is generally relieved but alleged that when King answers the call relief is sent late or fails to respond

I always called ahead of time not 5 mins before in order requested to be relieved for prayer but I did asked permission 10 minutes before prayer time is my cutoff to walked out the post if nobody come to relieve me from my post after April 07,2022 incident . I didn't called last minute to central command. Prior I filled complaint against Detective King Usually another officers at central command(Officer Wood) didn't argue with me and they send the relieved by calling the officer on the radio to relieved me. For example "post 9 please respond to post 4 for 62". 62 meaning break to pray or bathroom. In this case Detective king didn't do the same like other officers do many time she said "what time is prayer time and she said no you can't go " without giving specific reason. Sometimes she just hang up without replying something or sometime she yelled and she didn't called anyone on the radio to relieve me . One time I called her back on the central command phone and I asked if she called anyone to relieve me and she said she don't like the way I talked to her. One time she yelled on the phone when I called her again she yelled on the phone "you need to stop harassing people". My prayer time late for 20 mins and I reported this incident to Captain Melendez (Exhibit B)and he didn't reply right away but I caught him walked at post 4 main lobby and he said verbally the department not able to accommodate early prayer time all the time. This happened consistently when Detective King working in the central. I am 100 % sure the department not busy at all and there's no 10-8 incident or any kind " exigent working conditions" as respondent as explain.

The respondent response is incorrect on Page 3, Paragraph:4 , line: 11, continue to page 4; Line 1-2 Stated:

On those occasions Charging Party leaves her post without permission and admitted she had been written up twice for leaving post without permission.

This statement is incorrect I didn't say I get write up twice for walking out the post . I get write up once by Captain Melendez back in or October, 2021 when I did not accommodate for bathroom urges and prayer time. I can not hold my bathroom anymore that day and I was late to pray that day because Sgt Blount said I must hold the bathroom and my prayer time because we have an arrest perpetrator somewhere and the perp on handcuff upstairs but we were arresting this individual 3 hours ago and I

need urges for bathroom and also I have to pray . In addition I leave my post in safe condition without undue hardship of the employer. I told Captain Melendez I leave my post because I need to use the bathroom because my stomach pain and I need to pray too.

In October 2021, I believed the respondent violated HIPAA law when Captain Melendez and Sgt Blount requested the doctors note when I was getting written up for walking out my post in order to relieve my have bathroom urges and pray . I believed it's illegal for employer to request the doctors note because using the bathroom can not categorize as type as disability but it's human nature. Captain Melendez and Sgt Blount requested a doctors note to disclose my medical records information in order to receive bathroom accommodation it's illegal because I have rights not expose my medical records as extent to necessary. I believed in this situation was not necessary to provide my medical records if they give me fair working assignment like other new employees who already assigned to rotating job assignment positions within one months and favorable working assignment. I was place at unfavorable working assignment which I was assigned to work on the post which required relieved all the time. All of these happened because of my protected activity (my age). In addition I was place to unfavorable working conditions at post 4 main Lobby when the respondent have knowledge of necessity to pray and need to use the bathroom for ablutions.

I believed my right as woman was violated when I was denied the bathroom because women always have monthly sickness which menstruation. The respondent said I must provide doctors note for bathroom accommodation is illegal and violating my rights as woman. The typical of menstruation for me made me want to use restroom because I have to relieve something because of stomach cramp. In addition when I have heavy flows and my pads soaked I am in need to change the pads because can cause infections.

The respondent response is incorrect on Page 4, Line 2-8 Stated:

Charging Party also alleged that she is prediabetic and said she needs to use the bathroom often but admitted she has never completed a reasonable accommodation request and never provided supporting medical documentation regarding her bathroom use. Charging Party told EEO, during the interview, that she requested a doctor's note but was told by her doctor that no note could be given as she did not have a medical condition that supported a medical note. Charging Party did not seek to include an allegation of failure to accommodate any medical condition in connection with EEO's review

The respondent statement is incorrect, during EEO interview I did say that " I don't want to blame NYC Health Hospitals for having Prediabetic ". I did not say I need to use the bathroom accommodation more often but I am more emphasize for my prayer time because I was struggle to my accommodation to pray. I did not want to request another bathroom accommodation when my prayer time was having difficulties to be accommodated. My prayer is my everything and part of my religious obligation if I delayed my prayer will be big sin for me.

See Qur'an verse and Hadith about the prayers:

"Woe to the worshippers who are unmindful of their prayer. Those who delay their prayer". (Quran 107:4-5)

It's a horrible sin to delay or ignore Al- Salah, so Allah Almighty warns us from that, He says : "Woe to those who pray, who are heedless of their prayers (delaying them from their prescribed times)". [Al-Ma'un -4,5],

"Surely the Salat at fixed hours (of the day and night) has been enjoined upon the believers." (Surah an-Nisa, 4:103)

Umar ibn al-Khattab (RAA) reported that a man asked the Prophet (SAW): "Messenger of Allah, what action is dearest to Allah Most High?" The Prophet (SAW) replied: "Prayer at its proper time. The one who does not pray has no religion. Prayer is the main pillar of the religion (of Islam)." (Baihaqi)

The Prophet (SAW) said: "The first thing which will be judged among a person's deeds on the Day of Resurrection is the prayer. If that is in good order, he will pass the test and prosper, and if that is defective, he will fail the test and be a loser." (Tirmidhi)

The Prophet (SAW) said: "The covenant between us and them (that is, believers) is prayer, so if anyone abandons it he has become an infidel." (Ahmad, Ibn Majah, Abu Dawood, Nisai, Tirmidhi).

The Prophet (SAW) said "What lies between a man and infidelity is the abandonment of prayer." (Muslim)

And he said: "If anyone abandons prayer deliberately he has no claim upon Allah" (Sunan).

Allah most High says: "Then there succeeded them a generation which neglected prayers and followed lusts. They will meet with destruction (Ghayy), excepting the one who repents and believes and acts righteously". (Quran 19:59-60)

"Abdullah asked the Prophet Muhammad (SAW) "Which deed is the dearest to Allah?" He replied, "To offer the prayers at their early stated fixed times." (Sahih al-Bukhari 527).

The Prophet of Islam (blessings of Allah be upon him and his family) told Imam 'Ali (peace be upon him) that, "With complete and proper Wudhu', stand up for the Salat at its prime time, and do not delay it from its appointed time because delaying the Salat without a (valid) reason brings about the wrath of Allah."

Praise be to Allah.

It is not permissible for a person to start praying when he is resisting the urge to urinate or defecate, because the Prophet (peace and blessings of Allah be upon him) said: "You should not pray when food is ready or when resisting the urge to urinate or defecate." (Narrated by Muslim in his Saheeh).

Narrated Abu Aiyub Al-Ansari: The Prophet said, "While defecating, neither face nor turn your back to the Qibla(Prayer direction) but face either east or west." Abu Aiyub added. "When we arrived in Sham we came across some lavatories facing the Qibla; therefore we turned ourselves while using them and asked for Allah's forgiveness."

Abu Ayyub reported: The Apostle of Allah (may peace be upon him) said: Whenever you go to the desert, neither turn your face nor turn your back towards the Qibla(prayer direction) while answering the call of nature(bathroom), but face towards the east or the west. Abu Ayyub said: When we came to Syria we

found that the latrines already built there were facing towards the Qibla. We turned our faces away from them and begged forgiveness of the Lord. He said: Yes.

(See Exhibit B55) In or October 2021, Captain Melendez writes me up for walked out my post for bathroom urges and prayer I was asked to provide doctors note by Captain Melendez and Sgt Blount for the bathroom accommodation. At the time I was not have prediabetic yet and the doctors can't provide me the note. I was diagnose prediabetic on December 2021 but at the time I was place in Post 2B where this post is additional post Emergency Room where I can go to the bathroom and pray at anytime because this post does not need a relieved but since they said they eliminate this post(2B) from midnight shift in the end of January,2022 it was really hard for me to pray and accommodation for the bathroom. I was place to work permanently at post 4 main lobby which is very difficult for bathroom and prayer accommodation because I need relief in order to pray and bathroom.

In addition I believed the respondent give me unhealthy working environment for my health being as woman and as human being which I am not aware of it until I leave the job. Since I left the job I am not longer have prediabetic conditions and I do not have suffer during my menstruation when I need to relieve myself or changing my menstrual pads for bathroom relieve when I need it. I would like to say that I do not want to blame my health condition but the working condition is unhealthy working condition as woman especially not having easy access to use the bathroom for woman is very hard especially during menstruation cycle.

I disclose during deo interviewer that " I don't want to blame NYCHHC hospital for me having prediabetic" . I didn't say that I need accommodation for bathroom because from the pattern experience, I was told I have to provide the doctors note in order to use the bathroom when I got written up or pre disciplinary warning In October 2021 but in end January I need more accommodation to pray because I was having difficulties accommodation for prayer and bathroom. I try to avoid bathroom as much as I can hold and Especially I try not to eating and drinking at my workplace during Ramadan in order to be giving the opportunity of accommodation for my prayer time because I put my priorities accommodation to pray above all. I need to pray because it's the declaration of my faith and the obligations for my religious beliefs. In Islam people who abandoned the pray it's considered disbelievers. The department not even accommodate my prayer time how I am going to request another bathroom accommodation. The respondent did not accommodate my prayer time because Sgt Rodriguez asked questions very critical in Islam. He asked to choose God or Job and he said "you need to clock out at 05 am today and comeback tomorrow if you will choose the job first". I told him today and tomorrow are the same I will choose Allah first and I give my ID, badge, key and all my police equipment to him. His question is infringement my religious belief because if I choose to work there meaning I will choose job over Allah which infringement my religious believe. This incident cause the constructive discharge because the respondent refuse to accommodate my prayer time become second priority even though my post was clear and safe without undue hardship of the employer.

When I was replace at post 4 main lobby in the end of January when they said they eliminate post 2B from my working assignment because it already became the pattern that I was not allowed to use the bathroom urges after lunch or before shift started because my prayer is more important than anything else. I need accommodation of my prayer time in order for me to work there. The department not busy at all . The respondent stated "The system" was busy not the condition because the condition on my

post (Post 4 main lobby was safe and clear without undue hardship of the employer). Many time I have to hold my bathroom urges in order to give the opportunity to pray on time and sacrifice my bathroom in order to give accommodation to pray. I was sacrificing my eating and drinking in order to hold my bathroom and giving opportunity to pray. Even during Ramadan I did not eat my suhoor(Eating before Dawn)in order to be giving opportunity to pray on time. I need to use the bathroom to perform ablution and bathroom urges because In Islam I can not perform prayer while I have hold the bathroom urges.

In or October, 2021 ,Captain Melendez and Sgt Blount said I need to provide doctors note if I will be using the bathroom every morning. But I believe the respondent has invading my personal health privacy by asking my personal health information in order to be accommodated for bathroom. If I disclose to them my personal health information it's okay but my employer does not have right to invading my personal space by asking my personal health information under HIPAA law in order to be accommodated for the bathroom.

The respondent response On Page 4, Paragraph 1, Line:1-6 Stated:

Charging Party said that on April 9, 2022 she walked off post without being relieved and asserts that Supervising Special Officer Rodriguez, upon discussing her post abandonment told her this, "job was not for her. You have to choose between God and your job." Charging Party then turned in her shield, ID, radio and keys but when asked if she was resigning said she was not. Charging Party never made any allegations regarding gender, sex or retaliation during her EEO interview

On April 13, 2022 The EEO internal interviewer(Steven Strauss) didn't let me finish when I said I leave my post without undue hardship of the employer when I am about to explain he cut me off and he didn't let me finish and he said he will called me back.

I believe the EEO internal interviews not able conducted the investigation in a good faith because the conflict interest he has with the respondent human Resources and in addition EEO internal office address was located at the same address of respondent human Resources at 50 or 55 water street, New York, NY 100012. During interviews he cut me off is kind of rude and I can feel the conflict interest with this interview that's why I filled discrimination with the outsider EEOC at 3 pm on April 13,2022 that day . At least I didn't refuse to the interview by EEO internal and also there's time limits in order to filled the lawsuit with EEOC and I don't want lose the time frame to filled the lawsuit against the respondent. He seems the EEO interviewer not in the middle side and I feel so distant and try to provoke the situation and say what he really wanted to hear from me. I do not have freedom speech and I feel so distant. In addition the EEO interviewer more emphasize to my bathroom accommodation rather than my prayer accommodation to relief my post. If I can not pray I can not work there. My religion is my everything.

One or 2 days from this incident(April 13, 2022) I was received letter in mail that my employment terminated. In the mail it said that I must returned all the police officers equipment but I already returned all the police equipment and my bulletproof vest on April 09, 2022 when Sgt Rodriguez told me this job not for you and you must choose between God or a job. He told me "you need to clock out at 05 am today and go home and think comeback if you choose the job first". I told him today and tomorrow are the same I choose Allah first and I give him all my shield, ID, Key and comeback downstairs to change

my uniform to remove my bulletproof vest because my bulletproof inside my uniform garments. I give all the police equipment on the day of April 09, 2022.

The respondent response On Page 4, Paragraph 2, Line:1-6 Stated:

On August 10, 2022, prior to the conclusion of EEO's internal investigation the System's Office of Legal Affairs received the instant charge. As per the System's EEO policy when an external complaint is filed while an internal investigation is pending and the external is based upon the same allegations that comprised the internal, the System's response will be to the external complaint [Exhibit C- System EEO Policy]. As such there was no determination issued for Charging Party's internal complaint.

The EEO Interviewer(Steven Strauss) did not giving me any opportunity to speak freely and I do not feel comfortable to speak because he more emphasize to accommodation for bathroom but I need more accommodation to leave my post in order to pray. If I was not able to accommodated to pray I can not work there and my prayer is my everything . In addition he cut me off when I am about to explain to him about 04/09/2022 incident .I did not want to argue with him by saying "I am not finish" because I am not trying to be rude. He said he will called me back because he seems he does not want to hear what I will say or filled another subject of allegation on my interview. I was very busy because I need to apply food stamp, file unemployment claim to prove my discrimination case to labor board which I have to explain the situation to labor board to explain what really happened in order to help me to pay my rent and I do not want to spend time with the internal investigation when I was received first class letter in the mail that I was terminated from the job. I rather go to external EEOC who able to hear my voice freely.

II. The systems not Granted Charging Party's Religious Accommodation Request

The respondent response is incorrect on Page 4, Paragraph 3, Line 1-5 Stated:

Charging Party's statements during her EEO interview reflect that she was provided an accommodation for her religious beliefs. Charging Party admits the department sent her relief as she requested to permit her prayers, however, there were instances where relief was not sent immediately after Charging Party made her request due to the exigent nature of the department's work

Respondent response statement is incorrect, the department not busy at all. I was told I was not being relieved not because of we are busy but because I believed they were not willing to accommodate because of the retaliation because I filled the complaint of Discrimination regarding Detective King. While the Detective King on her leave the condition was corrected I was relieved on time in order to pray but after Detective King comeback to the office, the situation getting worst. I was not provide relief in order to pray and even though the department not busy at all.

I was told the reason I was not being relieved because On 04/04/2022 Central Command(Officer Agosto) said He does not have anyone to relieved me to pray. My prayer was late that day due to I have limited time to use the bathroom and doing the ablution, I was off on 04/05/2022 and 04/06/2022. On 04/07/2022, Central command (Officer Wood) refuse to accommodated my prayer time when I was asked the central to relief me to pray. I am sure the department not busy at all because the radio communication was quiet as usual and my post was safe without undue hardship of the employer. I was told by Officer Wood that Sgt Rodriguez told him that I supposed to be relieved to pray at 0513 am and I told him that time will be late for me to pray. I told the central command(Officer Wood) I would walked

out post if nobody want to relief me and after I told them I will walked out my post Detective King came to relief me to pray.

On 04/ 09/ 2022. I leave my post in safe condition on post 4 main lobby without undue hardship of the employer. This is not "due to the exigent nature of the department's work be. There was the incident happened at 0424 am but the condition was back to normal when I walked out my post at 0458 am. I called Central Command (Officer Jones) that I will walk out my post due no body relieve to pray and Officer Jones states that Officer Chapagain was on the way to post 4 main lobby so the condition in my post (post 4 main lobby) was safe and clear without undue Hardship of the employer.

I believed this is premeditated incident in order to not accommodating me not to pray that night because The Hospital Administration already received my email from me regarding I need permission to walked out my post if nobody came to relief me to pray(See Exhibit F). Regardless the incidents legitimate or not my post was safe and clear without undue hardship of the employer.

The 10-8 incident happened at 0424 am it was happened half hour ago. I walked out my post at 0458 am by notifying central command that nobody come to relieved me and My post was safe and clear without undue hardship of the employer.

During EEO internal investigations I am about to say something but he cut me off. During emergency it's allowed to leave post 4 main lobby unattended as long it's safe because on tour 2 morning shift (08 am to 1600) while I work on mandate over time at methadone clinic I was having 10-08 situation and Officer Echevarria leave post 4 main lobby unattended from there go to methadone clinic . I learned that it's okay to leave post 4 main lobby as long the condition is safe. I was asked him who at post 4 main lobby he said the central command said it's fine to leave it as long it's safe.

I did told central command(Officer Jones) when I leave the post due to nobody relieve to pray and central command (Officer Jones) stated that the officer Chapagain is on the way to post 4 main lobby. The officer was on his way to post 4 main lobby and it doesn't cost undue hardship of the employer.

The respondent response is incorrect on page 4, paragraph 3: Line : 5-15

As previously explained Special Officers respond to alarms within the facility. If there is an emergency requiring the attention of hospital police it would delay a response to Charging Party's request for relief. Such delays were unacceptable to Charging Party who said "prayers come first." The System provided Charging Party with an accommodation enabling her to pray but Charging Party's expectation that relief should be provided immediately upon her request, regardless of whether there was an emergency requiring hospital police response, was both unreasonable and an undue hardship to the System. The System is required to ensure the safety of its staff, patients and visitors which is the role of Hospital Police. It is unreasonable to expect the System to abandon that responsibility to ensure Charging Party is timely relieved for prayers. Instead, when there were exigent circumstances requiring the response of multiple officers, relief was provided as soon as hospital police could safely send a relieving officer to Charging Party's post

This response unfair to describe what really happened the situation at midnight shift not that intense like the respondent explained. The typical working conditions in midnight tour is not busy at all because

all of the clinics close. Post 4 main lobby like ghost town empty on midnight shift and all the clinics are close and all lock down. The patrolling officers nothing to do after 0300 am because their job to make sure all the door is locked if unlocked requested the officer get the key from central command desk but it's very rare someone call for unlock because all the clinics are close. Most of the hospital employees have keys and it's very rare for them to called for unlock.

Only 4th floor main lobby is open for pregnant woman labor delivery only and the information desk open 24 hours at post 4 main lobby , other than that only Emergency Room open 24th hours.

The incident on 04/09/2022 it's very rare situation but regardless they said they were not able to accommodated my prayer time because the respondent stated "The system", " there were exigent circumstances" but I did not witness this condition at my post or anywhere else and my post 4 main lobby was safe without undue hardship of the employer. There were incident occur at 0424 am I hear on the radio and this incident was happening half hour ago not happened on my post 4 main lobby . I was walked out my post at 0458 am in order to pray when the condition was back to normal.

The most important thing was I leave my post in safe condition without undue hardship of the employer. Many time Sgt Rodriguez prevented me not to pray because he said "what if" something happened if I prayed. I told him in Islam "what if" is the word of the devil. I told him that in Islam "what if" in Arabic we called "was was" something that not yet happened. Something that it's not yet happened meaning "Fear". Satan always put fear in our heart when we wanted to do good deeds (prayer). Hadith Prophet Muhammad SAW said tied your camel and relied on Allah. Everything in the hand of Allah. In Islam I have to pray on time and Allah command to pray come first and Sgt Rodriguez not to abandoned the post come second. I can not follow Sgt Rodriguez command because it will infringement my religious belief.

The respondent response is incorrect on Page 4, Paragraph 4, Line 1-4, Stated:

Melendez said that on April 9, 2022 at 4:33 AM there was a panic alarm requiring response from multiple Hospital Police officers. Melendez was informed that Charging Party abandoned her post, post 4 in the main lobby, after calling central at 4:45 AM seeking relief to pray. Charging Party's scheduled prayer relief time was 5:09 AM

The respondent statement is incorrect. There's no panic alarm from multiple officers because I didn't hear any beeps or buzzer from the radio. In hospital police radio there's red button and we called it panic alarm. The officers can push this red button in order of emergency if anything happened to them. But this incident not the panic alarm situation because I didn't hear any buzzer or alarm sound from my radio or anywhere else. This incident was 10-8 incident command from central (Response to specific Area) instead I hear the announcement from central command (Officer Jones)states on the radio "post 7,8 9,10 please respond to 10-8 to 7 south or 6 south something like that and I am not recalled the exact location.(Exhibit C-18)

The respondent statement is incorrect on 04/09/ 2022 I didn't called central command at 04 45 am but Officer Wood central officer called me from central to post 4 main lobby phone around 3 am or 04 am. He mentioned that he will be releived me to pray at 04 45 am. I didn't called them because I already told the rest hospital administration through email On April 07.2022 (See Exhibit H, Paragraph 8)that I need permission to leave my post if nobody relieve me to pray and I will notified central command that

I will leave my post if they relieve didn't come. I leave my post at 04 58 am in safe condition without undue hardship of the employer. I can not get relieve to pray at 0509 am because it will be too late for me to pray because I need to use the bathroom and perform the ablution in order to pray and I have to go to 12th floor mosque and I have to pray on time

The respondent response is incorrect on Page 4, Paragraph 4, Line: 4-7, Stated:

Because all available officers were responding to the panic alarm involving a combative patient there was no officer available to relieve Charging Party. Rodriguez spoke with Charging Party who acknowledged abandoning her post, leaving the post without a covering officer, indicating that she had to pray and God comes first

On 04/ 09/ 2022. I leave my post in safe condition on post 4 main lobby without undue hardship of the employer. This is not panic alarm but this is 10-8 incidents. I was told by Sgt Rodriguez that just the patient refuses the medication try to attack the nurse it's not life and death situation on my post 4 main lobby. During EEO internal investigations I am about to say something but he cut me off.

During emergency it's allowed to leave post 4 main lobby unattended as long it's safe because on tour 2(08 am to 1600) while I work on mandate over time at methadone clinic I was having 10-08 situation and Officer Echevarria leave post 4 main lobby unattended from there go to methadone clinic . I learned that it's okay to leave post 4 main lobby as long the condition is safe. I was asked him who at post 4 main lobby he said the central command said it's fine to leave it as long it's safe.

I did told central command when I leave the post on 04/09/2022 the central command (Officer Jones) stated the officer is on the way to post 4 main lobby. The officer was on his way and it doesn't cost undue hardship of the employer. I believed they created this situation because the hospital administration have plan to get rid off me and create the situation. Sgt Rodriguez asked me to login to my employees account on April 09, 2022 and have access to my email with my personal files. In addition on April 09, 2022 we have more officer than usual we have post 7 that's the red flag which means they premeditated the incident so if they fired me at 05AM they have enough people to cover me for that day(See Exhibit C-19). I did told the hospital administration on email on April 07, 2022 that I need permission to leave my post if nobody relieve me on time to pray(See Exhibit N-2,INTERNAL COMPLAINT TO HOSPITAL ADMINISTRATION). Regardless what they said I leave my post in safe condition without undue hardship of the employer.

In addition the 10-8 incident was happened half hour ago (0424 am) and I walked out my post at 0458 am when the central command officer (Officer Jones) stated that the officer on his way to post 4 main lobby locations and my post was safe without undue hardship of the employer.

Allah command to pray is my priority than Sgt Rodriguez command not to abandon the post. I leave my post in safe condition without undue hardship of employer.

In addition, central command operations able to monitor post 4 main lobby from different angle cameras CCTV from central command office upstairs. There are many CCTV cameras in the main lobby.

The respondent response is incorrect on Page 4, Paragraph 4 line: 7 continue to page 5: Stated:

Charging Party was told that the department makes all efforts to accommodate her prayer time but, in this instance, all available officers were responding to an alarm. Rodriguez told Charging Party she would

be relieved of duty for the remainder of the tour because she abandoned her post. Charging repeatedly stated "God first" and then placed her shield, identification card and keys on Melendez's desk. When asked if she was resigning Charging Party said she was not resigning but "God comes first"

This statement is incorrect because the incident was happened at 0424 am and I walked my post at 0458 am when the condition back to normal. In addition I walking out my post without undue hardship of the employer. Allah command to pray is more priority than Sgt Rodriguez command not to abandoned the post. Yes Allah first I have to pray and I did notified the Central Command that I need to walked out my post due to nobody relieve me to pray and I was told by central command (Officer Jones) that Officer Chapagain was on his way to post 4 main lobby in order to relieve me to pray. The officer was on his way so it was not cause hardship of the employer.

The respondent response is incorrect on Page 4, Paragraph 4 line: 7 continue to page 5: Stated:

Charging repeatedly stated "God first" and then placed her shield, identification card and keys on Melendez's desk.

The respondent response is incorrect : I did not place my shield, ID card and keys on Captain Melendez's desk. This office not Captain Melendez office, This office where the rollcall briefing being held or this is supervisors office. Captain Melendez office located at the second door on the right when we enter the Hospital Police Headquarters Department.

The respondent response is incorrect on Page 5, line 7-9, Stated:

On April 11, 2022 Charging Party appeared at Metropolitan and cleared her personal property from her locker. No resignation letter was ever received from Charging Party but she did not return to work after that day, April 11, 2022

The reason I went to Metropolitan hospital on April 11, 2022 because I need to pick up my poor performance file which I left it on my locker room which Captain Laboy and Sgt Rosado gave me in November 2021. I am not able to print this poor performance from my account because I believe Sgt Rodriguez deleted from my poor performance file in the night when he requested access of my personal employee account on April 08, 2022 at approximately at 11:50 pm and April 09, 2022 at 0150am Because I saw my personal files evaluation was empty that's why I came to get my evidence of my poor performance file because of my age.

I did not resigned but I was discharge because of my religious belief. Sgt Rodriguez told me I have to choose God or Job is the infringement my religious belief because in Islam Allah always come first and Allah's command to pray is the most priority than Sgt Rodriguez command not to abandoned the post. Sgt Rodriguez told me I have to clock out at 05 am on 04/09/2022 and he said go home and think and come tomorrow if you choose job first. I told him today and tomorrow are the same I will choose Allah first and I give him my shield, radio, ID all my police possession. I was discharge because they were not willing to accommodate my prayer time obligations.

III. Discrimination based on Sex: Female

I believed my rights was violated as woman because I was told that I can't get pregnant within 3 months in order to be hired at NYC Health+ Hospitals. If my expectant to be pregnant is not the contingency of term of employment Dr Wilby should waive the requirement to take the vaccine as the term of

requirement in order to get the job. She supposed to find another way how to give more accommodation in respect to my intention to be pregnant. She supposed to say "let me draw the blood to see if you are immune MMR vaccine. Dr Wilby did not have any intention to accommodation my intention to be pregnant instead she said if you didn't take the vaccine you didn't get a job,

I told Dr Wilby that I am expecting to be pregnant and I told her that I already took the MMR vaccine while I was in college. I told her that I will provide the documentation that I took the vaccine while I was in college. She told me whether I have the documentation I must take 2 MMR Vaccine but she supposed find a way to accommodate that I was expecting to pregnant but I was told if I did not get MMR vaccine I can not get a job. In this case Dr Wilby aware my expectation to be pregnant but I was force to take the vaccine in order to get a job.

In this case Dr Wilby emphasizes that my expectations to be pregnant becomes the term condition of contingency of the employment. If my pregnancy not the contingency of the employment Dr Wilby should say and give me another option not to take the vaccine because I was learned that draw the blood can detect whether I was immune to MMR vaccine or not.

I received the letter stated that the job offer under the contingency that I must fulfill pre-physical medical examination(See Exhibit X). I have to take the MMR vaccine in order to be hired in NYC Health+ Hospitals. Dr Wilby asked me if I was pregnant and I told her I don't know and she asked my urine and I wait outside and she called me back she said I have to take the MMR vaccine for this job and you can't get pregnant within 3 month. I told her that I am expecting to be pregnant and Dr willby said I can not get pregnant if you wanted this job.

Baruch College admission office told me that they can use the blood work in order to see whether I already immune mumps or MMR. There are no such thing She must force to take the vaccine again and the MMR vaccine good for a life time.

If the term of my intention to be pregnant it's not the contingency of the employment, Dr Willby must find the way to be exempt from this MMR vaccine because my intention as woman I would be pregnant it's very significant because I will bearing the child. Dr Wilby should draw my blood instead and find out if I was immune to MMR vaccine. But In this case I believed to hold my pregnancy is the contingency of the employment because if my intention to be pregnant I can not get the job and I was force to take MMR vaccine when I told DR Wilby that I was expecting to be pregnant. When I was told I must hold my pregnancy in order to get the job.

As per respondent response that "the system provides candidates who have medical or reasonable accommodation" but Dr Wilby did not give me any accommodation to waive the requirement to take the MMR vaccine even though I already told my intention to be pregnant.

In addition The lady I met on OHS on March 4,2022 as new hire employee for Hospital Care Investigator Position and I believed her name is Mahmuda and her list no.586. She told me that the doctor did not asked her to take the MMR vaccine instead the Doctor just took the blood from her.

I was not giving the option to submitting any exemption form to submit in order to exempt from my pregnancy because I was expecting to be pregnant instead I was told that I can not get pregnant for this job because I need to take the MMR vaccine.

In this situation I believed my expectation to be pregnant decision become contingency term of employment in order to get the job. Even though I told Dr Wilby that I am expecting to be pregnant and I already took MMR vaccine when I was in Baruch College. She insisted me to take the MMR vaccine again or I will not offer for the job. It was very hard to swallowed when she said in order to get this job I have to abstain myself to be pregnant within 3 months. Dr Wilby did not give me any reasonable exemption for example draw the blood from me to find out if I was immune to MMR vaccine or accommodation for woman who expecting to be pregnant instead I was told if you plan to be pregnant within 3 month you can not get a job.

I believe the respondent has violated title VII employment discrimination base on my gender as woman not freely allowing me to use the bathroom because as woman I have a monthly sickness(menstruation). Captain Melendez and Sgt Blount said I should have doctors note in order to use the bathroom is violated my rights as women during my monthly cycle because using the bathroom during women cycle is human nature as woman. In addition I have to changed the menstrual pads in every 2 hours when I have heavy flows and if I am not changing the pads will cause infections .I discussed with my friend about how she feels during periods because I told her I have feelings going to the bathroom during my period because I feel like I want to go to the bathroom urges or peeing more during my period because of stomach cramp I have and she said she feels the same it's woman nature feeling that way during period. In addition the department not allowed me accommodate me for the bathroom can be the type harassment because of my age too I was feeling my working environment like jail to me. In addition bathroom and prayer are connected because I need to do ablution in order to pray . The respondent didn't accommodate my bathroom is related to my religious beliefs discrimination too because we must do ablutions with water before we pray and this ablution is a must or my prayer is invalid. In addition we can not pray and hold the bathroom urges because the Hadith Prophet SAW said:

The hadith Prophet Muhammad SAW mentioned:

The Prophet of Islam (blessings of Allah be upon him and his family) told Imam 'Ali (peace be upon him) that, "With complete and proper Wudhu(Ablution)', stand up for the Salat at its prime time, and do not delay it from its appointed time because delaying the Salat without a (valid) reason brings about the wrath of Allah."

Praise be to Allah.

It is not permissible for a person to start praying when he is resisting the urge to urinate or defecate, because the Prophet (peace and blessings of Allaah be upon him) said: "You should not pray when food is ready or when resisting the urge to urinate or defecate." (Narrated by Muslim in his Saheeh).

IV. Hospital Police Special Officers Dress Code

The respondent statement is on Page 5, Paragraph 2, Line; 1-5

Charging Party alleges that on June 30, 2021, while she was still in police academy completing training, Captain Anthony Padilla ("Padilla") told her to tighten her belt. This claim is time barred given the filing date of Charging Party's charge, July 28, 2022 and the date the alleged acts occurred. In addition to the allegation being time barred the allegation does not support Charging Party's discrimination claim

This claim is not time barred Hospital police Academy is considering the term and conditions of employment in order to be hired at NYC Health+Hospitals. In addition I filled the Charge with EEOC on submission initial inquiry on April 13,2022 at 3 pm(See Exhibit X and Exhibit Y)

The respondent statement is on page 5, Paragraph 3,Line 1-4, Stated:

Charging Party claims that she previously provided a note with a picture of a pregnant woman after a visit to gynecologist. Notably, Charging Party does not detail the contents of the medical note, does not indicate the medical note confirmed a pregnancy and does not indicate to whom the note was provided.

The letter did not indicate of my pregnancy the note just indicated that I have doctor appointments and not able to come to work. The note has a picture of the pregnant woman and the note indicated from Health Care For All Women OB GYN doctor on the header note. I was provided the note to Hospital Police academy because I was told that we have to provide documentation if we are not able to come Hospital academy class. I give the first note(June 25,2021) to AlhiaHaris when I was checking my pregnancy and the 2nd note(July 1,2021) I give to Detective Santa Lay when I was miscarriage. The note was provided from Health Care for All Women OB-GYN. The second note was provided from the same provider even though I was discharged from NY Presbyterian Hospital in Flushing, NY but the doctor giving me the note that contain my birthday and my age and I do not feel comfortable to disclose my birthday and I went to my personal Gyn Doctor at Health Care for All Women OB-GYN to request doctors note without my birthday written on it.

The respondent statement is on page 5, Paragraph 3,Line 4-5, Stated:

Charging Party also did not make this claim during her EEO interview regarding the internal complaint referred to EEO.

I did not discussed because the EEO interviewer because I did not able to give the opportunity to speak freely. EEO interviewer Steven Strauss from NYCHHC it seems he is interrogating me and asking questions rather than listening my complaint. I am not really having the opportunities to speak on my own to Express my own problems. He asked me questions rather than listening what I am going to say.

In the end of conversation I am about to say something but he cut me off. He didn't asked if is there anything I would like to say instead he said I will send you the form and I found out he send me the bathroom accommodation form and discrimination form but I need to the accommodations in order to pray. I need the accommodation to walk-out my post if nobody relieved me to pray. He said he will called you back but He seems not in middle position of this problem. He seems have "conflict interest" with the respondent and his address stated on his email is the address of Human Resources of NYC Health +Hospitals. 50 water street, New York. NY 10004.(See Exhibit V-1 and Exhibit V-1)

During EEO internal interview I did not know I was terminated until I found the letter in the mail that I was terminated so I just getting ready to filled for my food stamp, Unemployment followed up paperwork and filled the discrimination with EEOC Commission Agency.

The EEO internal interviewer (Steven Strauss) seems more on the respondent side. I believed he is Human resources of personnel because He did not let me to speak freely. I was dictated by him and he was asking me question twist my word around rather than understanding my problem.

I did participate with EEO internal investigations but so many time I was not sure if he really EEO or human resources of NYC Health+Hospitals. I don't feel comfortable on EEO internal investigations because he seems not on the middle side who try to solve the problems. The EEO interviewer seems he seems provoke the situation wanted to say what he really wanted me to say. He cut me off when I am about to tell him something. I feel so distant. He seems he try to provoke the situation and say what he really wanted me to say without hear my complaint politely. I was told to filled up the bathroom accommodation form after 50 minutes long conversation about I need accommodation to pray to leave my post rather than just bathroom accommodation because I cannot work there if they are not accommodated me to pray. He said he will send the bathroom accommodations and this is not what I am really wanted. I need my prayer time and give permission to leave my post if nobody to relieve me. He said he will called me back but I don't think he will solve and understand my problem. After I received termination letter in the mail I just let go and apply for unemployment, food stamp and filled discrimination case with EEOC.

The respondent response on Page 5 continue to Page 6,Line :5-12, Stated:

However, Charging Party asserts that Padilla intended for her to have a miscarriage when he directed her to tighten her belt. Any comments made to Charging Party about tightening her belt, if they were in fact made, would have been done to ensure her proper appearance as required by her role as a Special Officer. As a Hospital Police officer Charging Party was required to wear a uniform while on duty [EXHIBIT E- Hospital Security Uniform Regulations]. The patrol uniform consists of an 8-point hat or patched blue baseball cap, long/short sleeve shirt (depending on season) and tie, pants, standard or semi tactical, trouser belt, duty belt, lack socks, black shoes and duty jacket (depending on season)

I believe my right as woman was violated when Captain Padilla told Detective Santa lay to fix my belt and I was forced to wear tight belt against my will because I will never put my belt so tight like that because I have baby inside but I need a job. Detective Santa Lay took me to the bathroom and she adjust the strap of my belt and it's little too tight. I went to classroom When I was sitting on the chair it feel so tight on my belly and I can't breathe freely but I believed they have knowledge of my pregnancy because the note has a picture of pregnant woman in heading note and have the name of the clinic "Healthcare for All Women OB Gyn".

Captain Padilla was sitting in the front facing me because of covid social distancing nobody sitting in from of me and Captain Padilla able to see me directly and he watching me to make sure I always have the belt on while I was sitting and so there's no change I will lose my belt because I have to remove the strap and readjusted in order to lose it.

I believed Captain Padilla have knowledge of my pregnancy because during lecture he mentioned that Hospital police administration able to access medical screening information without authorization of the individual plus I give my doctor's note with the picture of pregnant lady on the heading note pictures with the name of clinic provider "Healthcare for All women OB-GYN" on the doctors note. There were several employees who have the chubby belly and they were not subjected to tighten their belt and I just regular petite woman individuals but Captain wanted me to tighten my belt.

During academy there were another hospital police candidates who have big belly(Recruit Minor,Recruit Roberson, Hibler) but Captain Padilla didn't asked them to tight their belt. I am small

figure woman with little bit have bigger belly than usual why do I have to tightening my belt. He said if you have belt like that I will take you upstairs meaning I will be dismissed from Academy.

The respondent response on Page 5 continue to Page 6, Line :9-12, Stated:

As per the Hospital Security Uniform Regulations Hospital Police Officers are to be well groomed as it is an element of professionalism while on duty. The regulations state: Uniforms are to be kept neat, clean and in proper repair. Shoes are to be shined [EXHIBIT E- Hospital Security Uniform Regulations]. To ensure Special Officers maintain proper uniform and personal appearance while on duty the Hospital Police Operations Manual dictates that supervisors are to perform inspection at each roll call. The roll call inspection is in addition to the formal inspection that occurs at least twice annually and the uniform locker inspection done to ensure each officer has all required equipment. The System does allow for exemptions from the Hospital Police uniform requires via submission of reasonable accommodation to the Office of EEO for either medical or religious reasons. Charging Party made no such request. Charging Party's assertion that the System intended for her to have a miscarriage when she was told to tighten her belt is not supported by any evidence nor is it evidence of any discrimination

I believe my rights as woman have been violated by enforcing tightening the belt as part of the Hospital Security Uniform Regulations. I believe, to enforce of tightening belt to woman is unacceptable and especially to force woman to tightening the belt against her will. The women might have childbearing or pregnant. I strongly believe that Captain Padilla have knowledge of my pregnancy because after my miscarriage I did not see him teaching the lecture almost one week and he was back he seems feel guilty what he did but Only Allah knows the unseen on people's heart.

During academy I hide my pregnancy in order to pass the academy which almost half way done and get this job. During Academy I provide the doctors note from my gynecologist doctor because I need to take the day off(June 25,2021) to go to the Gynecologist to check my pregnancy. I believed they were aware I was pregnant because the doctors note have a picture of pregnant women on the heading note but on the same week I was told to tight my belt. Captain Padilla upset with me during Police Academy on June 30,2021 he said "if you have belt like that I will take you upstairs" meaning I will dismiss from the academy.

I saw there were other ladies on my academy have loose belt but Captain Padilla didn't asked them to tight their belt because they are not pregnant. For example Recruit Minor and Recruit Robinson she have her belt loose like other ladies too. If the tightening the belt is the part of "Hospital Security Uniform Regulation" every one should instructed to tighten the belt but why I am the only one who was told will be dismiss from the academy because I have to tighten the belt.

Captain Padilla very upset with my belt and asked the Detective Santa Lay to fix my belt. Detective Santa Lay took me to the bathroom and she tightening my belt I can't breathe and I feel congested on my belly but I can't say nothing because I need the job. I went to the classroom while I am sitting I feel more tight on my belly.

I felt my Captain Padilla watch me a whole day when I was sitting to make sure I have my belt was on because I was seated on the third row or second row from the front where at the time we have to seat at covid social distancing rule and nobody seat in front of me so he can see me thoroughly. On the same

day around 5 pm I got bleeding and I went to doctor at 08 pm and I stay 15 hours at emergency room and I got miscarriages. I was crying so hard because this is my first baby but I need a job.

Detective Santa Lay(Instructor) have loose belt too and many people didn't see anything wrong with my belt but Captain Padilla wanted me to tight my belt.

V. Charging Party Requested an Accommodation Regarding Bathroom breaks but the request was denied

On respondent response on Page 6, Paragraph: 1,Line : 1-8 Stated:

By Charging Party's own admission during her EEO interview she never requested an accommodation permitting the additional bathroom breaks she said required. During that interview Charging Party's also admitted that when she asked her healthcare provider for a medical note to support an accommodation request for bathroom breaks she was told by her doctor that no note would be provided because she did not have a medical condition that warranted a medical note. Any claim that Charging Party's bathroom breaks were not accommodated is belied by Charging Party's failure to identify a disability that required an accommodation as well as her failure to request an accommodation

I never requested additional bathroom breaks because I did not give easy access to pray so I try to not to request bathroom so I will be giving a accommodation to pray but I believed they do not want accommodating both.

I believe the respondent has violated title VII employment discrimination base on my gender as woman not freely allowing me to use the bathroom because as woman we have a monthly sickness(menstruation). The respondent said I should have doctors note in order to use the bathroom is violated my rights as women during my monthly cycle because using the bathroom during women cycle is human nature as woman. In addition we have to changed the menstrual pads in every 2 hours when we have heavy flows and not changing the pads will cause infections.

For female using the bathroom is a must especially during menstruation or pregnancy and employees have right not to expose their personal health information because she need accomodation of bathroom only as extent necessary. If I am consent to tell or expose my personal health information it's okay, but if I was told to provide the doctors notes in order to access the bathroom is wrong because urge going to the bathroom is human nature.

Also for my religious obligations in Islam we have to pray 5 times a day and before prayer we have to do wudhu(ablutions) with water is the part ritual of religious beliefs in order the prayer to be valid and we have to pray on time. It takes at least 5 minutes at least to do wudhu. In Islam religion we are not not allowed to hold the bathroom urges when we pray and we have to pie to make sure we're clean because clean is the part of iman(Faith) in Islam. The hadith Prophet Muhammad SAW mentioned that:

Praise be to Allah.

It is not permissible for a person to start praying when he is resisting the urge to urinate or defecate, because the Prophet (peace and blessings of Allah be upon him) said: "You should not pray when food is ready or when resisting the urge to urinate or defecate." (Narrated by Muslim in his Saheeh)

I believed the respondent violated title VII employment discrimination for denied the bathroom based on my gender as female, my religion is Muslim, forcing me to reveal my personal health information or HIPAA violation in the workplace breach and harassment because my age.

VI. The respondent was subjected to the Age Discrimination

The respondent response is incorrect on Page 6, Paragraph 2, Line 1-8 Stated:

Charging Party alleges that on September 24, 2021 she submitted her vaccine card to Melendez. Charging Party asserts that after submission of the vaccine card, which listed her age and birthdate, she began to receive negative comments about her work performance. The System was under the New York State healthcare workers vaccine mandate and required all staff to be vaccinated against COVID-19 and submit proof of vaccination, if vaccinated outside of the System to the OHS via an online portal [Exhibit September 8, 2021 HR Guidance regarding vaccine mandate]. If vaccinated within the System vaccination information would be automatically obtained by the System. There was no requirement to provide a supervisor with a vaccination card

This statement is incorrect I did not want to submit the covid vaccine card to Captain Melendez but he requested the card even though I already told him I submit the card to OHS on the 6th floor and He told to submit the card to him too . He text my personal phone :551 227 5319 and He text me from his phone:3473667746 and giving me his email address :Adrian.melendes@nychhc.org. I send the covid vaccine card to his email and take a picture send it to his phone. Please see Exhibit I

The respondent response is incorrect on Page 6, Paragraph 3, Line 1-9 Stated:

On October 18, 2021 Desantis submitted an incident report documenting Charging Party failing to properly perform her job duties. Charging Party, who was assigned to Post 4 - Main Building's Entrance/Lobby Area, was allowing staff and patients to enter without identifying who they were [Exhibit G- Hospital Police Statement Form]. As King tried to instruct Charging Party Charging Party walked away from her and stood several feet from the post and continued failing to check anyone. Desantis noted this was an everyday occurrence with Charging Party and that he had, on several occasions, attempted to explain the post responsibilities and job functions but Charging Party failed to correct her behavior. Desantis opined that a return to academy for retraining may be necessary

This statement is incorrect and also this exhibit " [Exhibit G- Hospital Police Statement Form] " not on the position statement file . [Exhibit G- Hospital Police Statement Form] is missing from the respondent response evidence. I did not see Exhibit G- Hospital attach with "Position of Statement" . I already notified Miss. Madeline McGrath through email and phone regarding this missing exhibit.

This incident On October 18, 2022 it's false statement because supervisors and Captain Melendez never mentioned this incident. In my personal file that I didn't check ID is not the truth statement because I always strict and stern about checking ID. In addition I do not have any knowledge of this incident.

See Exhibit A4, Police Memo book. According to my police memo book Sgt Desantes and Detective King Never approached me about I failed "Charging Party, who was assigned to Post 4 - Main Building's Entrance/Lobby Area, was allowing staff and patients to enter without identifying who they were".

I have several argumentative confrontations with Detective King but I am not recall which one was the October 18, 2022. (See Exhibit Z)

I saw exhibit Z on my negative performance did not indicated the time and the date the incident occurred. I believed the writer signature was Detective King and Investigating Officers was Sgt Desantes.

On statement of acknowledgment stated on Exhibit Z:

I affirm that all the faces set forth in this document are true, complete and Accurate to the best of my knowledge and belief, the facts that I have provided are mine and were provided without being influenced by any other party. False statement in this documents are punishable as a class A misdemeanor pursuant section 210.45 of the penal law.

This write-up statement was false statement against me because I never notified about this incident what really happened that day and this false accusation against me. I saw this paper but I do not know what is all about because I can't read Sgt Desantes hand writing and also there is no indicated the time and date of the incident.

I never have knowledge of this October 18, 2021 until the respondent mentioned on the position statement and this statement was false statement against me because I did my job task very well especially identifying staff and patients who enter into building. I believed the Hospital Police administration has abusive their police power to create negative performance against my reputation because of my age.

All supervisors never approached me about this matters regarding October 18, 2021 incident. I am not aware this incident was on my file. I saw the incident on my file but there is no date or time of the incident occurred (See Exhibit Z) but I can't read the hand writing Sgt Desantes I do not know what it's all about but now I know when the respondent *response "was allowing staff and patients to enter without identifying who they were"* This the facts of the abusing power of police officer because this statement are false statement against me.

On respondent response regarding SGT Desantes states " *this was an everyday occurrence with charging Party" and that he had, on several occasions, attempted to explain the post responsibilities and job functions but charging party failed to correct his behavior*".

This statement was false statement, Sgt Desantes never approached me about October 18, 2021 incidents the whole department have knowledge about how stern I am about checking ID for employees. About the patients they can enter without ID because against the law to refuse the patients into building hospitals that's what they told me during training. I did asked the patients if they' have appointments and we let them go. This is what other officers train me and do.

During academy I was told that the officers can lose their job by misuse their police power and lying about statement by saying "this was everyday occurrence" I failed to perform my job duties. I believe the hospital police administration at midnight tour supervisors have neglected their integrity by creating untruthful and false negative working performance on my file because this statement is not true I know my job task as Police Officer I have to check people ID and identify the individual who enter building.

Captain Melendez never discussed or other supervisors never discuss this matter about October 18, 2022(See exhibit Z) incident to me but I realize the negative evaluation was on my file without time and date indicated so I believed all of this statement because of my age. I believed the Detective King did this to create the negative working performance. I do not remember what happened many time she came to me and she said "this incident will be on my file".

In October, 2021 Captain Melendez never discussed about I failed to check ID at post 4 main Lobby and he called me to his office regarding I walked out from the post because my prayer time and bathroom only and never discussed about I failed to checking ID or patients ID at post 4 main lobby or Incident at October 18, 2021. I check on my police memo book(Exhibit A2) I was working at Post 4 Main Lobby but I did not see any indication that Sgt Desantes emphasizes about to I did not check ID for employee or the patients.

This write-ups I believed was set up by Detective King because Many time she was angry without valid reason. I believed because of my age because she know my age and she told me "it's going to be on your file" but I did not know what I have done wrong because I try my best to performance my job task. Their accusations are false statement against me . I always do my job task and check for employee ID and not letting unauthorized people to enter to the building.

This is not facts but their opinion about me. The facts I always do my job . My poor performance base on their opinion about me. Opinion can be biased base on favoritism and my protected activity(age). I believed all negative performance from Detective King because she told me "It's going to be on your file" for something that I did not know about.

I have recalled many interaction with Detective King this way but I do remember this incident that Supervisor Desantis came he asked me what happened with Detectives King because Detectives king told him to come to post 4 main Lobby and I explained to him about the situation and he said don't worry about it. He did not say he will give the negative performance for this and he said don't worry about it. For this matter I believed Sgt Desantes and Detective King have misuse their police power by giving the false statement about what really happened that day "*was allowing the staff and patients to enter without the identifying who they were*". I always do my job and understand my job task very well and they never came approach me that I failed to check people ID or let unauthorize patients without identifying who they were.

I believed the Detective King do not have respect for me because of my age. Many time she work at central command she did not reply my radio communication, refuse my bathroom, my prayer time, yelling on me in public. Many time she said "this thing is going to be on your file" for something that I do not have knowledge about.

Detective King not supervisors but she work at central command she have access to do things. I try to do my best because no matter I try to do the right thing but I always to be wrong. I was treated differently when I was refuse to see CCTV camera when I lose my jacket at post 2B at the time Detective King was assigned to Central Command that day when I went to office to filled the 10-57(Report of missing police jacket) with Sgt Desantes I was told to by Sgt Desantes to go to central command office to asked the time when the perpetrator took my jacket. I went to central command and Sgt Blount was there. She is not even looked at me at my face and asked her what the perp took my jacket and she said it was 4 am without seeing on camera(Exhibit A1). She didn't take the 10-57 report seriously by giving

me the wrong indicated time incident without seeing the CCTV camera. I was refuse by Sgt Rodriguez and Sgt Blount to see the CCTV camera because I know for sure the perp didn't took my jacket at 0400 because at 0400 I just arrived at post 2B and I believed the incident happened between 0415- 0420 am. They just give me the bad working performance based on their biased towards me because of my age.

One time I told Supervisor Desantes that the Detective king must act professional and not supposed to yell on me in public place. I asked Detective King "why so negative to me" and Detective King called Director of Hospital police Stellas on the scene too. At the time Stelas was at the main lobby and Detective King said to Stellas that "Officer Febrianti said I am so negative" and Stella's said to Detective King "you have right to say whatever you wants to her". (See Exhibit C-17)

One time during roll call Sgt Desantes said to me "Officer Febrianti you failed" Captain Laboy and command officer (Officer Martinez) was laugh so hard and Captain Laboy not able to hold the laugh I was there alone ridicule by them. Captain Laboy not able to speak during roll call and the rollcall was dismiss without Captain Laboy speaking because he keeps laughing with Officer Martinez.

Many time Sgt Laboy told me during roll call that "Mc Donald is hiring", "don't get you attitude here you're on probation". Many time the overtime list was wrong and I kept working mandate for 16 hours in 3 days in a week and I called Sgt Rosado he said he can not change the overtime mandate schedule.

Detective King knew my age before September 24,2021 while I was on training with her at the beginning on August, 2021 and we had encounter at our locker room conversation. She used to be nice with me and one time during locker room conversation she told me that she was 44 years old and she got 4 grand kids and I told her my age range same as her age and I said "me too but I don't have kids". Since this conversation I saw there's something change on her towards me and she was not longer nice with me anymore. Instead she confronted me "why you do this, "why you do that and many time she said this thing is going to be on your file". All of those incident unfairly to describe what happened.

I believed the respondent is correct maybe Captain Melendez knew my age from Detective King prior September 24,2021 but I started receiving the first write-up from Captain Melendez for walking out the post for bathroom and pray in October,2021 right after I submitted my covid vaccine card which contains my birthday and age to Captain Melendez on September 24, 2021.

The written warning given from Captain Melendez stated that "reported to Department of justice center". He didn't give the copy but He asked me to sign the papers because I walked out from my post. My write-ups did not mentioned that I walked out because I have urges bathroom and need to pray. The write-ups did not indicated that why I walked out my post. Indeed the reason of I walked out my post I need to pray and have bathroom urges.

The department said my performance unsatisfactory but not based on relevant facts. During Academy taught me that this job requires integrity, no drinking, no smoking, not use illegal substances, not misused the police power. I didn't commit one of this violations but I was told I am not competent for the job for something which is not clear.

I remembered one time Detective King came to Post 4 main lobby she was confronted me because I asked one employee to show her ID and Detective king react and she said why you asked her ID because she came from another side (Post 6 entrance or from 2nd Ave or Emergency Room entrance). I told her that I didn't know she came from another side as long as I know if she wanted to enter post 4

main lobby again, she need to show me the ID again. Detective king was confronted me and I told her I didn't see her when the lady leave the building and Detective king said I should recognize people who leave the building but I can't recognized because people wearing the masked so I can't recognized each individual if they leave building each one of them and they have to show me ID again if they want to enter post 4 main lobby. She reported this incident to Desantis and I explained the situation to Desantis what really happened but I didn't know if this incident was the one on October 18, 2021 incident mentioned in adverse on my working performance filed negatively. Detective King and Sgt Desantes has abusing their police power by giving false statement about me. This incidents was false statement and my negative working performance because of my age.

So many time Detective King mentioned something like "this thing it is going to be on your file". For something that's unfairly to describe what really happened.

While Detective King working in central she mentioned I can't go to the bathroom after lunch time. I was eating soup during my lunch hour made me want to go to bathroom. I listened to her by not eating and drinking during my working hours but she give hard time to give me relieve in order to pray too. Usually another officer who working at central command will called another officer on the radio to relieve me but she didn't call anyone. Even though I am really sure the department not busy at all because the radio communication quiet.

I called her again on the phone. She yelled and said "you need to stop harassing people". My prayer time was late 20 mins and this not a first time happened to me when she work on central command I have difficulties relieve for bathroom and prayer. That's why I send email to Captain Melendez but I received negative feedback he said the department not able accommodate the early prayer time all the time.

Respondent response On page 6, Paragraph 4: Line 1-2, continue to Page 7: Line:1-11

Charging Party, throughout her employment with the System, was deficient in her performance as a Special Officer. Charging Party's work performance was evaluated after six months; Charging Party's overall evaluation rating was unsatisfactory [Exhibit H- 11/19/2021 Evaluation]. The Supervisor who completed the evaluation, Rosado, noted that Charging Party, "did not possess the necessary skill set to be an effective Hospital Police Officer and her lack of assistance during emergency calls will result in injury to herself or other staff members." [Exhibit H- 11/19/2021 Evaluation]. Rosado said that Charging Party had trouble grasping basic concepts and her performance was well below standards. The evaluation indicated that Charging Party "receives corrective instruction on Hospital Police Standard operating procedure on a daily, weekly and monthly basis by varied supervisors from all shifts as well as senior training supervisors with little signs of information retention"

The negative performance stated that *"her lack of assistance during emergency calls will result in injury to herself or other staff members."* This is not truth statement because I never get injure while on duty and I never had any staff members was injured on my present while I am responding the calls with another officers. In addition, there were another officers while I was responded the call but I am the only one to blame.

One time when I used to work at post 2A Sgt Blount called me at my post and she instructed me to go to psych emergency unit. She didn't called it on the radios for others to come and she called me on the

phone at post 2A to go to psych unit alone. I did not hear on the radio Sgt Blount instructed the patrolling post respond to the call because most 10-8 incident (post 8,9,10 also must respond the call). I went inside I was worried because I was alone and BHA was confused too because I came alone. I am so lucky that day I didn't get attack. Not long after that Sgt Rodriguez came. This incident the department might have put my life in danger I might have been attacked by the psych patients because most of the patients they don't like people with Uniforms(police officers). Sgt Blount have to put my life in danger by instructed me to go to psychiatric alone because during academy we were told don't ever go psychiatric unit alone because you might get attacked by them. In this case I believe the department doesn't care of my safety instead they don't like me because of my age because this incident type of harassment because of my age by put my life in danger by instructed me to Psychiatric unit emergency alone.

I learned from Hospital police academy that psych patients do not like police with uniform that's why during academy we were told that we're not allowed to go inside psychiatric facility alone unless we need to see from the glass window if another officer already there or wait for others to come before going inside psych unit and because we might get attacked but I was instructed personally by Sgt Blount to Psych unit alone.

During Academy I learned that we have to work together and do not look the fault of others. I was treated differently because of my age I was instructed to respond the 10-8 incident to psychiatric emergency unit alone by Sgt Blount. Definitely the staff members do not believed in me because I came alone to respond the call. Sgt Blount have violated my safety and staff members because During hospital academy I am not supposed to go inside the psychiatric unit alone because most the psych unit patients they don't like people with uniform.

I supposed to work together with another officers during 10-8 calls with patrolling post officer (Post 8, 9,10)and I learned from academy that always call for back up when you need it but I was treated differently and I was left alone because they believed I am not capable of the job because of my age.

Respondent response stated that *"her lack of assistance during emergency calls will result in injury to herself or other staff members."*

Many time during 10-8 incidents I was told to go back to my post by Sgt Desantes , Sgt Rosado and central command but in Camera CCTV it seems like I did not engaged with 10-8 incidents. I was told to follow instructions about what my field supervisors and Central command want me to do.

They believed I was not qualify because they do not want to work with me because I am not strong enough because of my age.

I believed all of this thing because of my age because many time during roll call they mentioned they need the "strong person" possible . I believed because of my age I am not qualified for the job but in police academy I learned that our job is not to beat up people our job is to make sure to make the environment keep in peace because our title as Peace officers is to escalated the situation using PMCS technique try not to escalate the situation in harm situation(See Exhibit C-16). But Hospital Department believed that the tough one is the best. From my experience I learned that I am dealing the patients with kindness (PMCS) technique much better than using the bouncer technique.

The respondent response mentioned that my performance unsatisfactory but didn't explain why I am not good at. All of those negative evaluation was not the facts but it based on opinion because did not support with the actual incidents.

The department said my performance unsatisfactory but not based on relevant facts. There is no incident to support that statement "*My performance unsatisfactory*". All my negative performance was dated on the same date on May 3, 2021 at 12:03 am(See Exhibit Q)

During Academy taught me that this job requires integrity, no drinking, no smoking, not use illegal substances, not misused the police power. I didn't commit one of this violations but I was told I am not competent for the job for something which is not clear.

They can give me poor performance based on their opinion because of their opinion can be biased because of protected activity (age) but the officer can get terminated must have clear facts why that I am not good. For example if I did substance or abusing police power that is clear facts but not in this negative performance just mentioned I am not good without any support of clear of evidence of incidents.

There's not clear facts that "*her lack of assistance during emergency calls will result in injury to herself or other staff members*". There are no incidents support this statement. I believe all this negative performance unfairly to describe what happened many time I was told to go back to my post while 10-8 incident at post 2B many time by supervisors and central command. It seems like I was "*her lack of assistance during emergency calls will result in injury to herself or other staff members*".

I never directed to response 10-8 incidents while I work at post 4 and I always assign to post 4 main lobby and I never giving opportunity to learn because of my age.

As respondent response that "*Charging Party did not possess the necessary skill set to be an effective Hospital Police Officer and her lack of assistance during emergency calls will result in injury to herself or other staff members.*"

This statement is invalid because base on facts I never injury myself while on duty or other staff members. The second facts I always assigned to the same post everyday and I never have rotating job assignment like other new officers who younger than me.

The respondent should clarify which incidents because During Police Academy lecture that We are Police officers we have to stand together not alone.

During Police Academy lecture I learned that the officers will be terminated only if they abused the police power and do illegal activity and absent to come to work every day. I never commit this kind of evaluation. I believed this negative evaluation because of my age.

Respondent response is incorrect on Page 7, line: 9-17 Stated:

It was also noted that Charging Party did not take instructions well, was apprehensive about assisting co-workers and had not assisted co-workers in emergency situations effectively. [Exhibit H- 11/19/2021 Evaluation]. Another component of Charging Party's evaluation was the Department Workplace Violence Competency Documentation completed by Rosado. On September 12, 2021, prior to the date Charging Party allegedly gave her vaccination card to Melendez, Charging Party was rated as Does Not Meet

Requirements in multiple separate skill areas including but not limited to: identifies cascade of violent behavior escalation and demonstrates de-escalation techniques on the Department Workplace Violence Competency Documentation [Exhibit H- 11/19/2021 Performance Evaluation

The respondent response is incorrect I did not know anything about Incident of September 12, 2021 because I was off that day according to my police memo book (See Exhibit K) . I received the first negative evaluation in November 2021. Sgt Rosado said that I was fail twice and He asked me to sign this paper. He mentioned people upstairs doesn't like you. He never go over about September 12, 2021. He just said they want to get rid off you. He said people "Upstairs" meaning Human resources and risk management office at 14th floor.

My negative evaluation was open by Human Resources Angela Mullett and Captain Melendez at first before it was open by Sgt Rosado account, SEE EXHIBIT J

I never open this negative performance because I already know they discriminated me because of my age from beginning. I always perform my job very well all the negative working performance were because of my protected activity. I always follow the rule and try my best at my working performance.

There are many discrepancies from my negative working performance which inaccurate. Please see Exhibit L(ANNUAL COMPETENCY-INFANT PROTECTION)

This negative working performance evaluation is inaccurate because I never done any patrolling post since I was hired. This task was patrolling post assignment. I did finish patrolling post training, but I never assign to any patrolling post.

I always assign to Post 4 Main lobby since the department eliminate post 2B from my working assignment and giving me hard accommodations in order to pray and bathroom and cause the adverse action of constructive discharge on 04/09/2022.

The condition of Post 4 Main lobby always empty because all the clinics are close except 4th floor labor delivery open to public but they give me difficulties to accommodate my prayer time and bathroom since they took post 2B from my assignment in the end of January 2022.

See Exhibit Q, all of this poor performance evaluation did not give any specific date or incident. All the date was written 05/03/2021 at 12:03 am. All the comments based on biased opinion about me and opinion are not facts. For example if the officer have illegal substance while on duty that is the facts but in this case Sgt Rosado, Sgt Desantes said base on their opinion about me. Opinion can not categorize as facts because everyone opinion was different sometime can be biases because of my protected activity (Age, Sex, Retaliation, religion).

See Exhibit L: Annual Competency Check(See Exhibit C-13 and C-12)

| Competency | Date Observed | Pass/Fail/Not Applicable |
|--------------------------------|---------------|--|
| Officers are...Code Pink Alarm | 09-12-21 | Fail : I am off according to police memo |

book(see Exhibit K)

| | | |
|---------------------------------|----------|---|
| Cancel Code Pink... | 09-24-21 | Fail: I never did this observation(Exhibit M) |
| Officer Detain... | 10-6-21 | Fail: I never did this observation(Exhibit N) |
| Dispatch officer to investigate | 10-18-21 | Fail: I never did this observation(Exhibit O) |
| All officer...IPS area.. | 10-29-21 | Fail: I never did this Observation(Exhibit P) |

This statement is false statement . I always work on the same post (post 4 and post 2B and post 2A sometime). This observation was for patrolling post officer. I never assigned to do this code pink alarm. According to my memo book I did not do this observation.

I did not know about Incident on September 12,2021 because according to my police memo book I was off that day. **See Exhibit K**

I believed I was given the negative evaluation because they do not wanted me to grow. I never given the opportunity like new younger employees . I was never assigned to patrolling post and any other rotating job assignment instead I always assigned to post 4 main lobby where I was having the difficulties in order to use the bathroom and pray,

I don't have the same opportunities like other new officers because of my age.

There are other officers who have the same date of hire like me on May 3, 2021 because we started academy together and graduated together from academy. There are 4 officers who have same date of hire as me. We graduated the same time from academy and started working at NYCHHC on July 26, 2021. Officer Chapagain, Officer Gutierrez, Officer McLaughlin, Officer Smith. All of these officers are younger than me and they already given the opportunity working on patrolling post and rotating job assignment and desirable working conditions within September, 2021. **(See Exhibit C-14 and C-15)**

For example Officer Chapagain. He is younger than me He have the same date of hire as me on May 3, 2021 but he already have opportunity to move to another shift to tour 3 (03:30 pm- 12 am) in October 2021 and work in different post but the hospital police department never let me to work on patrolling post and rotating job assignment where is more desirable assignment because this patrolling post is freedom post for bathroom and prayer. I already work there almost a year on April 09, 2022 but they still say I am new because of my age. **(See Exhibit C-13 and Exhibit C-12)**

Officer McLaughlin he is younger than me and he already have assigned to work on patrolling post and rotating working assignment. I was left behind because of my age. **(See Exhibit C-13 and Exhibit C-15)**

Officer Gutierrez was younger than me and have the same date Hire as me as May 3,2021 and he already granted the position as Flex schedule officer which only required 3 days a week working schedule for 12 hours shift. Officer Guiterez transferred to NYPD in or December,2021. **(See Exhibit C-17 and Exhibit C-11)**

Officer Smith was younger than me he assigned working at Patrolling post in the beginning of September 2021 and rotating job assignment (post 9, post 10 and training as central command officer starting from September 2021) **(See Exhibit C-13 and Exhibit C-15)**. But he leave the Department because he got a new job.

Why they assume I have poor my working performance but never assigned me in patrolling post or rotating job assignment like others to learn more and grow. I never assigned to patrolling post since I work there. In addition they eliminate post 2B in the end of January by giving me unfavorable post(post4 main lobby) this post requires relieved for prayer and bathroom. I don't have no problem for prayer time and bathroom when they assigned me post 2B because this post no need relieved but when they take away 2B from my assignment it's very hard for me to pray and bathroom accomodation.

I believed I didn't get the same opportunities like other officers to grow and develop in the company. They wanted to me to be failed. I have right to be given the opportunity to learn but they never give me the opportunity instead they just assuming and said I am not qualified because of my age and give me negative working performance without supporting evidence of incident. How I will learn if they never assigned me in rotating working assignment or patrolling post assignments,

They never assigned me patrolling post or other favorable working conditions to accommodate my prayers time and bathroom. In the worst situation when she took post 2B from working assignment. When Detective king on her leave Sgt Rodriguez told me that's why I give you post 2B so you can pray he seems he try to say the Detective King who the one remove post 2B from my assignment.

During academy I was taught that police officers can get terminated if they misuse police power, killing innocent people, lying(not telling the truth about the incident), use illegal substance, smoking, drinking, do illegal activity. In this case I didn't do those illegal activities.

During academy I was told that the officers can lose their job by misuse their police power and lying about statement by saying "this was everyday occurrence" I failed to perform my job duties. I believe the hospital police administration at midnight tour have neglected their integrity by creating untruthful and false statement about me and cause negative working performance on my file and cause the adverse action employment reputation on my file.

I believe all those negative evaluation based on their opinion not base on facts. Sgt Rosado and Sgt Desantes did not stated which incidents I was not good at and in Islam accusation must have 4 witnesses to be valid. The CCTV can be deceptive because many time during 10-8 while I was assigned at post 2B I was instructed to leave the scene to go back to my post and Sgt Desantes or Sgt Rosado or central command instructed me (the field supervisor) to go back to my post.

One time during 10-8 incidents at post 2B I was commanded by Sgt Desantes and central command (Officer Martinez) to perform unlock the morgue in the basement to relieve the dead body to OCME. This is not part of my task because I was assigned to post 2B. This task supposed to be assigned to patrolling post who suppose to perform unlock is the part of their job assignment. In this case in the camera it seems like I leave the scene of 10-8 incidents but I was instructed to do it because In Hospital Police Department I have to follows what central command do and not do.

One time during 10-8 at post 2B I was told by Sgt Rosado to go upstairs to 8th floor police headquarters to pick up the face shield. In this case I look bad in camera CCTV but the facts I Just follow what they instructed me to do.

One time at the ER unit during the interaction with the patient who refuse to leave during the discharge Sgt Rosado said "Officer Febrianti step back" Sgt Rosado wanted me to stay in the back at the time I did not know why I thought he just try to be nice and let senior officers to be in the front.

Notably, Rosado was not the supervisor who charging party allegedly gave her vaccine card to revealing her age and birthdate

See Exhibit J: Captain Melendez the one who creating the negative performance file and send the file to Associated Director of Human Resources (Angela Mulett) and Sgt Anibal Rosado(Supervisor Tour 1).

Sgt Rosado, Captain Melendez and Captain Laboy are working on the same roof they can talk each other about my age and how to create things to make a negative working performance because of my age.

The respondent response is incorrect on Page 7, Paragraph:1 Line:1-5 Stated:

Charging Party's performance issues did not improve after her first evaluation. A second evaluation was drafted by Rosado for the time period of May 3, 2021- May 2, 2022 but this evaluation was not signed [Exhibit I- Second Performance Evaluation]. Charging Party's overall rating was again unsatisfactory and as the justification for the overall evaluation Rosado

This statement is incorrect I never received the second evaluation but I was told by Sgt Rosado I was fail twice when I was given the negative evaluation in November 2021 By Sgt Rosado and Sgt Laboy. I believed my negative working performance was erase on the night of 04/09/2022 because Sgt Rodriguez and Captain Laboy request me to log in to my employee account using the supervisors computers at roll call office. I did not see any negative performance on my file which I received on November 2021. I believed Sgt Rodriguez deleted the file in the night of 04/09/2022 but Sgt Laboy give me the copy on November, 2021 but I left it on my locker. On 04/09/2022 I realize my working performance was empty and I am not able to print it because the file not longer there.

On 04/11/2022 I went to my locker to collect my negative performance copy which I received on November, 2021 from Captain Laboy and Officer Rosado. Officer Gomes was officer on duty that day at M-3 she came to the locker room and she was watching me putting the paperwork in my tote bag.

I never received and asked by any supervisors to sign the second evaluation from any supervisors since November, 2021.

Respondent response at Page:7, Paragraph 2: Line: 1-7 Stated:

Officer Febrianti has not met the criteria of an effective Hospital Police Officer.

Officer Febrianti lack of knowledge with regards to proper actions to take in emergency scenarios have left her co-workers concerned for her well being as well as there [sic] own. Off Tour supervisors have concluded that Officer Febrantis' [sic] lack of knowledge with the duties & responsibilities of a Hospital Police officer is apparent and a detriment to anyone depending on her assistance on a day to day basis

I believe all my negative poor performance was created because of my age because all I was doing I just followed instructions from supervisors and central command on the radio told me to do and it looks bad on camera it seems like I was not engaged with 10-08 incidents, cause harm to and put my coworkers life in danger, etc Many time I was told on the radio by central command or supervisors to go back to my post.

This unfairly to describe what really happened. When I used to work at post 2B, Many time I was instructed by supervisors (Sgt Rosado, Sgt Desantes) and sometime Officer Martinez to go back to my post during 10-08 call.

I was told by supervisors to go back to my post and sometimes they told me to go lunch early while we were having 10-08 incidents.

As per my role as hospital police my task was limited to what supervisors instructed me to do. Sometimes I was told verbally by supervisors on duty "officer Febrianti step back" during 10-8 incidents and he said "let the Officer Munro stay in the front". Most of the midnight shift officer were male. There is one female who younger than me (Officer Carreras) who work at Flex schedule (3 days a week :12 shift schedule) work overnight but she worked at patrolling post most of the time. My performance was look bad in camera but in real life I was told to do so by supervisors and central command.

I believed all of this thing because of my age because many time during roll call they mentioned they need the "strong person" possible . I believed because of my age I am not qualified for the job but in police academy I learned that our job is not to beat up people our job is to make sure to make the environment keep in peace because our title as Peace officers is to escalated the situation using PMCS technique try not to escalate the situation to cause harm to people.

Now I understand why they give poor performance because I was told to act like that and I look bad in camera. Camera can't be deceptive because I was following instructions what supervisors , central command asked me to do or senior officers asked me to do and it seems like I am not engaging with the situation.

One time when I used to work in post 2B there was combative patient in Emergency room I was told by Sgt Desantes and Central Command(Officer Martinez)to leave the scene and go the basement to unlock the morgue to relieve the dead body to OCME but this tasked it's not part of my post duty this job it's part of patrolling post duty to do unlock. In this case I looked bad on camera it seems I leave the scene of my 10-08 incident but the fact I was instructed by Sgt Desantes to do so.

One time when I used to work at post 2B I was told by Sgt Desantes that BHA(provide basic care at psychiatric unit) supposed escorted the discharge patient from psychiatric emergency to main lobby. He said this is not our job to escort the psych patient to post 4 main lobby because Hospital Police duties only if they called us . He told me our job is to do 10-08 if they called us. I am not sure if this incident was on my file because I have negative performance for something the supervisors or central command asked me to do.

On October 18, 2022 incident I am not sure which incident. I was having many incidents with Detectives king when she confronted me about something I was didn't know about. One time she came to post 4 main lobby and she was angry and move and shake the podium and bang her palm on the desk on the desk and asked why this person on mental health building. I told her I don't know because I was sitting on post 4 main lobby and I didn't see anyone passing by post 4 Main lobby and she told me "this thing is going to be on your file".

Respondent response at Page:7, Paragraph 2: Line: 1-7 Stated:

Charging Party's allegation that she "received negative comments about her work performance" is accurate however, the reason for the comments was not as a result of her age as she alleged. The negative comments were because Charging Party failed to adequately perform in her role as a Hospital Police Officer as evidenced by performance evaluations and incident reports. Her work performance was so deficient that the department recommended termination. On April 12, 2022 the System mailed Charging Party a letter terminating her employment due to her failure to pass probation [Exhibit J-Termination Letter]

This statement is incorrect I believed all the negative evaluation because my age because all the accusation not based on facts but instead I was told by the field supervisors on duty (Sgt Desantes and Sgt Rosado) and Central Command to go back to my post or do something else during 10-08 incidents. My performance look unprofessional on camera CCTV but the facts the Hospital Police Department who create the situation and instructed to comeback to my post and It seems like I am not engaging with job tasks and helping my colleague. I believed all this accusation because of my age.

I don't have the same opportunities like other officers because of my age. I believe my age cause this accusation against my poor performance because they're new officers but they're already working in rotating job assignment within one months since they worked there but I was left behind and police administration have to put me in undesirable working conditions because of my age.

The respondent mentioned that the reason I was assigned to post 4 Main lobby because of I am new but There are other officers who have the same date of hire like me on May 3, 2021 because we started academy together and graduated together from academy.

There are 4 officers who have same date of hire as me. We graduated the same time from academy and started working at NYCHHC on July 26, 2021. Officer Chapagain, Officer Gutierrez, Officer McLaughlin, Officer Smith. All of these officers are younger than me and they already given the opportunity working on patrolling post and rotating job assignment and desirable working conditions within September, 2021.

For example Officer Chapagain. He is younger than me He have the same date of hire as me on May 3, 2021 but he already have opportunity to move to another shift to tour 3 (03 pm.to 12 am) in or on October 2021(See Exhibit C-13 and Exhibit C-12) and work in different post but the hospital police department never let me to work on patrolling post and rotating job assignment where is more desirable assignment because this patrolling post is freedom post for bathroom and prayer. I already work there almost a year on April 09, 2022 but they still say I am new because of my age.

Officer McLaughlin he is younger than me and he already have assigned to work on patrolling post and rotating working assignment. I was left behind because of my age.(See Exhibit C-13 and Exhibit C-15)

Officer Gutierrez was younger than me and have the same date Hire as me as and he already granted the position as Flex schedule officer which only required 3 days a week working schedule for 12 hours shift. Officer Gutierrez transferred to NYPD in or December, 2021. (See Exhibit C-17 and C-11)

Officer Smith was younger than me he assigned working at Patrolling post in the beginning at September 2021 and rotating job assignment (post 9, post 10 and training as central command officer starting from September 2021. But he leave the Department because he got a new job. (See Exhibit C-13 and Exhibit C-15)

Officer Sultana, Officer Martinez, Officer Gomez are new employees at Metropolitan Hospital and they are younger than me. They started working at Metropolitan Hospital In December, 2021. they lower seniority than me but they already assigned for patrolling post and work in different post. They treat me differently because of my age I was given unfavorable post 4 which is very hard for me for bathroom and prayer accommodation. (Exhibit C-10)

I am strongly believed the age discrimination involved with my allegations. During roll call briefing many time Sgt Rodriguez said we need the strongest person possible. I believed because of my age they believed I am not strong enough to be the officer.

In addition I believe age discrimination involved too because I requested to work for morning shift to Captain Melendez and he said he has enough female officers working in the morning.

But after the incident I found out he place new younger officer who recently just graduated from academy. P.O Sultana(22 yrs old officer) to work for morning shift. (See Exhibit C-10)

Why they assume I have poor my working performance about patrolling post (See Exhibit L) but never assigned me in patrolling post. I never done this observation before "HP Emergency for The Code Pink", "Cancel a code A Pink", "Abductor until alarm corrected", "investigate the alarm", "IPS Area" are patrolling post assignment.

I always to assign to post 4 and I never have the opportunity like other officers to work on rotating job assignment like others to learn more and grow. I never assigned to patrolling post since I work there. In addition they eliminate post 2B in the end of January by giving me unfavorable post(post4 main lobby) this post requires relieved for prayer and bathroom. I don't have no problem for prayer time and bathroom when they assigned me post 2B because this post no need relieved but when they take away 2B from my assignment it's very hard for me to pray and bathroom.

VII. Respondent Refuse to hire the Charging Party to any acts of retaliation and Discrimination because Her protected activity status of filling the lawsuit with her former Employer

The respondent response on page 7, Paragraph 4: Line1-3 continued to page:8, Line:1 stated:

Charging asserts that she informed the System of a discrimination lawsuit against her former employer when she was interviewed for the role of Special Officer in April 2021, prior to being hired for the Special Officer position. Charging Party does not reveal who she allegedly provided this information to and the System is unaware of any such disclosure

Please see Exhibit R. I did the psychological virtual testing appointment was on Saturday, April 17, 2021. I was interviewed by Chinese or Korean I am not sure his nationality and I am not recall his name. He

asked me question about "Do you ever have any court proceeding" and I said "yes I have discrimination lawsuit against my former employer in 2015". I did written psychological on Thursday, April 15, 2021.

The respondent response on page 8, Paragraph 4: Line 1-3 continued to page: 8, Line: 1 stated:

Charging Party also states that she met an unidentified person who took the Hospital Care Investigator (HCI) civil service exam and was number 586 on the list for the HCI applicant pool. Charging Party claims her own list number was 604. Charging Party states this unidentified person was hired in March 2022 and believes she should have been called from the list for the HCI role March or April 2022 but was not because she disclosed her pending discrimination lawsuit against a former employer.

See Exhibit B1, Exhibit C-1, Exhibit C-2, Exhibit C-3, Exhibit C-4, Exhibit C-5, Exhibit A3. I meet this individual on March 4, 2022 when I was told by Captain Laboy states to go to OHS 6th floor to clear some medical clearances. I was told I will be off duty if I did not come. I met this lady on the OHS office, I believe her last name Mahmuda and she said that she was here for medical clearance for Hospital Care Investigator position, and she show me the paper with her job offer with her address on it. She told me she received notification in email and mail about the job offer. She said her list number was higher than me and She said I will be received the job offer soon in mail and email. But I never received any job offer in email or mail.

Charging Party alleges that not being called from the HCI list was an act of retaliation for having engaged in the protected activity of filing a discrimination suit against her former employer.

The respondent refuse to hire me because my protected activity. I never receive anything in mail or email regarding I was offer for the job. When I was offer the job as special officer I received the offer to the mail and email but for Hospital Care Investigator position I did not received anything on the mail for the job offer. See job offer example Exhibit S

The respondent response on Page 8, Paragraph: 1 Stated:

Even as alleged by Charging Party the System hired her after she allegedly disclosed her pending discrimination lawsuit against her former employer disputing any claim of retaliation. In regards to the HCI role, an HCI applicant pool was held on February 17, 2022. Applicants who attend the pool are interviewed on site for the position for which they were invited to interview. Charging Party was invited to the February 17, 2022 11:00 AM HCI applicant pool via email on February 3, 2022 using Charging Party's self-provided email address [Exhibit K- Applicant Pool Interview Invitation]. Charging Party failed to report to the pool and thereafter did not request to be restored to the HCI list. To date Charging Party has not contacted the System about restoration to the HCI applicant pool. Charging Party's failure to report to the pool and failure to contact the System regarding the HCI pool invitation has precluded Charging Party from further HCI pool invitations. The circumstances surrounding the HCI role do not support Charging Party's claims of retaliation

I did not received the letter in the mail or email of this position. I never received the letter invitation like special officer positions (Exhibit S) that I was offer the job for this position. I never received email notifications and letter In the mail that I was offer for this job. See the example job offer while I was offer the position as Special Officer as Hospital Police Exhibit S.

The procedure of DCAS regarding Hospital Care Investigator positions. The respondent supposed to send me a letter in mail and email regarding my list was up with my address written on the paper. I need the letter invitation in mail and email with my name, address, email address. This applicant poll not walk-in poll. I have to provide the letter from NYC Health + Hospitals invitation letter appointment to show the security guard at 55 water street, New York, NY if I need to enter to the building.

The respondent stated that I was notified by email for the applicant poll but I did not received anything on the mail or email. The respondent did not want offer me the job because of my protected activity class because I filled the lawsuit against my former employer when I was interview during psychological Virtual testing appointment for Special officer. I believed NYC Health + Hospital did not want hire me because I disclosed my discrimination lawsuit against my former employer during Psychological virtual interviewed(See Exhibit R) for Special Officer position Saturday April 17,2021. I do not recall his name but I believe he is Korean or Chinese.

Conclusion

I believe the respondent has violated title VII employment discrimination base on my gender as woman and my religion as Muslim, retaliation, Age.

I believed the respondent has giving more the opportunities to new younger officer because the new officers already assigned to patrolling post and rotating job assignment within one months. I have been working there almost a year but on respondent statement stated the reason I was assigned at post 4 because I was a new officer but there are new younger officer already got the opportunity to grow and develop to the company and working at patrolling post and rotating job assignment.

I believed my age is the cause of this unfair working condition because I reveal my age to Detective King during my training on midnight shift tour 1 and I saw the drastic changes on her behavior towards me. At the time she was just regular police officers but when she got the position at Central Command, she got the power at the department. Many time she told me "it's going to be on your file" for something I did not know about.

The respondent response is incorrect on Page 8, Paragraph 3; Line 1-6 Stated:

The System accommodated Charging Party's religious accommodation request to the extent operationally permissible. Charging Party's expectation of immediate relief upon request was not feasible or reasonable given Charging Party's role as a special officer and the obligations of the Hospital Police department. The department was required to respond to exigent circumstances that were unpredictable and that response could not be abandoned to ensure Charging Party was provided post relief on request.

The respondent statement is incorrect because the incident of 10-08 happened half hour ago at 0424 am and I leave my post in order to pray at 0458 am in safe condition without undue hardship of the

employer. I called central command(Officer Jones) that I need to pray and I need to walk out my post because I already notified the hospital administration that I need to permission to walk out if nobody relieved to pray. Central Command(Officer Jones) stated that Officer Chapagain on his way to post 4 main lobby and this is not cause undue hardship of the employer.

The condition of Post 4 Main lobby always safe and clear because all the clinics are close except 4th floor labor delivery open to public. The respondent stated that "the system" was "extent operationally permissible" but I did not witness any disturbance on my post 4 main lobby. This is not the facts they said" the system" was busy but the condition not busy because the facts my post was safe and clear without undue hardship of the employer.

Respondents said I can not pray because the system is busy was false statement because my post was safe and without undue hardship of the employer. I didn't witness any disturbance or critical condition on my post. This always become the pattern but on 04/09/2022 this incident was different we have more officers than usual we have post 7 which is not happened very often.

I believed they created this incident because the hospital administration knew that I will walked out the post during my prayer time that's why we have more officers that night to cover me in case they will let me go on my prayer time to cover my post.

Detective king not supervisor but she works at central command desk so she have power to do things. The situation getting worst when I filled the complaint about her because the whole department now against me.

After Detective king comeback to the office is not possible for me to work there because they really do not want to accommodate my prayer time and this is become the pattern when they said they're busy but I didn't witness any of disturbance or critical in my post 4 main lobby or anywhere else. I can't work there if I don't give permission to pray. Allah command to pray is above all other command in this world. This is my religious beliefs obligations when the time to pray I have to be facing mecca to pray and said this word in Arabic:

Verify, I have turned face towards him, who created heaven and the earth. Worshipping none but Allah alone and I am not the idolaters. Verify my prayer, my sacrifice, my living and my dying for Allah, the lord of the all that exists. He has no partner and of this I have been commanded and I am the one of the Muslims.

When Sgt Rodriguez asked me this job is not for you "you have to choose God or a job is the infringement my religious beliefs because in Islam I have to love Allah first, Prophet Muhammad second, my mother third, my mother the fourth, my mother again the fifth , my father the sixth and other than this (job is option no.7). Sgt Rodriguez asked me questions leading me to my discharge because I have to choose Allah first above all because if I choose job first I become disbelievers meaning choose job as God.

In Islam "the word" in Arabic we called "Kalimah" is can lead you to the hellfire. In Arabic we called "Shahadah "mentioned how power is the word. People become the Muslim must recite the word

"Shahadah" meaning testimony of faith is an Islamic creed declaring belief in the oneness of God and Muhammad as God prophet. Sgt Rodriguez asked me to choose God or job is extremely serious challenge me about the declaration of my faith. I have to say "Allah first" and I can not say "Job" first because I will become disbelievers. That's why I keep declaring my faith to him when I said today and tomorrow are the same "Allah first". Especially it was happened during the Fajr prayer time meaning during dawn. In Islam morning prayer is more important because this prayer always witness by 2 different angel who in turn who records our deeds during the day and during the night. My conversation with Sgt Rodriguez happened during Fajr Prayer where the angels hear my declarations "Allah first".

Sgt Rodriguez said "this job not for you", "you have to choose between God or Job", "you have to clock out at 05 am today and comeback tomorrow if I choose "job first" and I told him today and tomorrow are the same I choose "Allah first" I give my shield, ID, Key, Radio and bulletproof vest.

The department not too busy but My religion just not a high enough priority to them. It's not life and death situation in post 4 main Lobby or anywhere else. My post was safe and clear and Allah is my witness there is no life and death situation or critical condition.

In addition "10-8 " Incidents when the psych patient refuses the medication is not critical. The procedure of psych patients before they entered to the facility, they were strip their personal belongings. They only allowed to have hospital gown, no cellphone or anything else. This 10-08 happened half hour ago at 0424 am but when I leave my post at 0458 am when all the condition are safe and clear and does not considered very critical condition as respondent mentioned "the system" not the condition because the condition was safe and clear in hospital police Department.

The most important thing is I leave my post to pray in safe condition without undue hardship of the employer.

The respondent response is incorrect on Page 8, Paragraph 3; Line 6-9 Stated:

In addition, as described above, Charging Party's work performance was deficient; there are numerous business records including two performance evaluations, an incident report and statements made by Charging Party herself as evidence of her deficient work performance

The respondent statement is incorrect. My negative performance based on their opinion not facts because all the accusations are not supported with the incident but based about what they feel about me. All my negative performance are false statement because Sgt Rosado said to me "people upstairs don't like you" He did not mentioned Why I am not good and go over what I have done because I never done nothing wrong. I always follow the rule and do my job task. All the accusation of my negative performance are false statement because of my age.

The negative performance said my lack performance will injure myself and other staff members are not truth statement based on their opinion because I never injured at work and there was no incident that the staff members was injured during my present.

The negative performance opinion did not support with the actual incident with time and date of the incident. All the negative performance was dated on 05/03/2021 at 12:03 am see Exhibit Q.

I believe the CCTV can be deceptive because CCTV can not hear the conversation on the radio and supervisors when they told me to leave the scene or back to my post during 10-08 incident and cause me negative performance from my supervisors and central command officer. But this is what they(Supervisors and central command) instructed me to do and cause my negative working performance at my workplace.

In addition I can give the facts that negative performance is incorrect because I can prove from my police memo book. I didn't do this observation. See Exhibit L

My police memo book indicates that I was off on 09-12-2021(see Exhibit K) this date indicated and I never conducted the observation but my negative working performance indicated I was fail is false statement. Many time I was always accuse for something I did not know about and Detective King told many time " it will be on your file".

That's why I did not bother to read my negative performance because I knew they do not like me because of my age already.

I can prove that I never place working on patrolling post or rotating job assignment. See Exhibit T My Police operations memo book.

For this reason, I believed that my negative working performance was premeditated or made up by Hospital police operations because my age.

The police memo book indicates that on 09-12, 2021 I was off on this date(Please see Exhibit K).

The police memo book indicates that on 09-24, 2021 I was assigned at post 2B(Please see Exhibit M).

The police memo book indicates that on 10-06 2021 I was assigned at post 4 main lobby (Please see Exhibit N).

The police memo book indicates that on 10-18, 2021 I was assigned at post 4 main lobby(Please see Exhibit O).

The police memo book indicates that on 10-29, 2021 I was assigned at post 4 main lobby(Please see Exhibit P).

I believe my right as woman was violated when Captain Padilla told Detective Santa lay to fix my belt and I was forced to wear tight belt against my will because I will never put my belt so tight like that because I have baby inside but I need a job but I believed they have knowledge of my pregnancy because the note has a picture of pregnant woman in heading note and have the name of the clinic "Healthcare for Women OB Gyn".

I told Dr Wilby about my intentions getting pregnant but Dr Wilby did not give me accommodation to my intentions instead she said if you didn't take MMR vaccine you're not getting a job but I am really need this job and I put all my effort to it. So I believed my intentions to be pregnant is the contingency of the employment at NYC Health+ Hospitals.

I was told Dr Wilby I can't get pregnant within 3 months is considered violation of my rights as woman. In this case my employer give my intention to get pregnant as contingency of employment condition. I told Dr Willby I was expecting to be pregnant and Dr Wilby did not find any effort to accommodate my intention to be pregnant instead she told me "you can't get pregnant for this job within 3 month or you can't get a job if you did not take the vaccine. Instead I was force the take the MMR vaccine against my will in order to get a job.

My rights as woman was violated when I am not freely allowing me to use the bathroom because as woman we have a monthly sickness(menstruation), during my monthly cycle because using the bathroom during women cycle is human nature as woman. In addition woman condition during period have to changed the menstrual pads in every 2 hours when we have heavy flows and not changing the pads will cause infections .

My rights as woman was violated when The respondent statement stated that it is part of "Hospital Security Uniform regulation" but "tightening the belt" and having the belt are 2 different things.

Captain Padilla instructed Detective Santa Lay to tightening the belt after received the doctors note with a picture of pregnant woman on the heading note is the facts why he wanted me to have miscarriages. My rights as woman had been violated because I believed it's illegal for the employer to force me to confess of my pregnancy Instead there were another police candidates((Miss Minor, Roberson, Hibbler) who have a big belly but they were not force to tightening their belt and I believed I was targeted because their knowledge of my pregnancy.

I believe my right as woman is violated when I was told to tightening my belt because tightening the belt for woman is illegal because the woman might have bearing a child or pregnant.

In addition another police candidates(Minor, Robinson, heider)who were have chubby belly was not told to tightening their belt . The Detective Santa lay was instructed by Captain Padilla to adjusted my belt and it was too tight and when I go back to classroom and when I am sitting it's more congested and tight.

My rights have been violated as woman and I am strongly believed Officer Padilla have knowledge of my pregnancy because the letter stated the provider name " Health Care for All Women OB-GYN" and the doctors note have the header note pictures of pregnant woman.

In addition, during police academy lectures I was told that the police department able to retrieve the medical records without authorization of the employees consent. I believed Captain Padilla have knowledge of my pregnancy.

In addition, I believed They did not allow me accommodate me for the bathroom can be the type harassment because of my age too I was feeling my working environment like jail to me because bathroom and prayer are connected.

The respondent didn't accommodate my bathroom is related to my religious beliefs discrimination because we must do ablutions before we pray we have to relief any bathroom urges and this ablutions is a must or my prayer is invalid. In Islam we have to follow the Qur'an and Hadith.

According to Hadith Prophet Muhammad SAW stated:

Praise be to Allah.

It is not permissible for a person to start praying when he is resisting the urge to urinate or defecate, because the Prophet (peace and blessings of Allaah be upon him) said: "You should not pray when food is ready or when resisting the urge to urinate or defecate." (Narrated by Muslim in his Saheeh).

SINCERELY YOURS,

A handwritten signature in black ink, appearing to be 'Erica Febrianti', written over the word 'Signed'.

Signed

ERICA FEBRIANTI

RECEIVED

2025 JAN -6 PM 11:50

U.S. DISTRICT COURT

Plaintiff Interrogatories

ACTIVITY IN THE CASE , FEBRIANTI V NYC HEALTH+ HOSPITALS , 23 CV 06175 JLR

Due On November 1,

PLAINTIFF'S FIRST SET OF INTERROGATORIES TO DEFENDANT

Pursuant to Fed. R. Civ. P. 33, Plaintiff hereby submits the following Interrogatories to Defendant. Plaintiff requests that Defendant serve its answers, in writing and under oath, to Plaintiff within 30 days of service of these Interrogatories.

For the purpose of these Interrogatories only, Plaintiff has used the definition

Pursuant to Fed. R. Civ. P. 26(e), you are under a duty seasonably to amend any answer to these interrogatories for which you learn that the answer is in some material respect incomplete or incorrect and if the additional or corrective information has not otherwise been made known during the discovery process or in writing.

For any interrogatory or part of an interrogatory which you refuse to answer under a claim of privilege, submit a sworn or certified statement from your counsel or one of your witness or client in which you identify the nature of the information withheld; specify the grounds of the claimed privilege and the paragraph of these interrogatories to which the information is responsive; and identify each person to whom the information, or any part thereof, has been disclosed.

Answer each interrogatory fully. If you object to any interrogatory, state the reasons for objection and answer to the extent the interrogatory is not objectionable.

If you are unable to answer an interrogatory fully, submit as much information as is available, explain why your answer is incomplete, and identify or describe all other sources of more complete or accurate information.

For any record of CCTV camera footage or phone conversation responsive or relating to these interrogatories which is known to have been destroyed or lost, or is otherwise unavailable, identify each such document by author, addressee, date, number of pages, and subject matter; and explain in detail the events leading to the destruction or loss, or the reason for the unavailability of such CCTV Camera Footage or Phone Conversation record

No agreement, understanding, or stipulation by the NYC Health+Hospitals or any of its representatives purporting to modify, limit, or otherwise vary these interrogatories shall be valid or binding unless confirmed or acknowledged in writing (or made of record in open court) by a duly authorized representative thereof.

Interrogatories

PREMEDITATED UNDUE HARDSHIP, CONSTRUCTIVE DISCHARGE, RELIGION DISCRIMINATION

1. Please Explain why as per Rodalton Poole statement on October 2, 2024 in court that the reason of my termination on April 12, 2022 because of my poor working performance but why on the day I was discharge Sgt Rodriguez did not discussed of my poor performance about the job but he clearly stated my discharge because of misconduct of praying of the

reason of I will get written up and leading to my constructive discharge he told me that (See Exhibit L-3):

" I didn't fired you, I just wanted to write you up for walking out the post" When Sgt Rodriguez aware that I walked out the post in order to pray when he was asked me when I just arrived from the mosque. He said "what's going on" and I said " I don't Know", " You called me, you tell me" and Sgt Rodriguez replied "why you walked out the post" and I replied to him " I have to pray", "this job it's not for you, you have to choose God or a job and I said I choose God first?"

2. (See Exhibit B-4), (See Exhibit B-5)(Why Sgt Rodriguez told me approximately at 12:30 am -0145 am on April 9, 2022 on the day I was constructive discharge, Sgt Rodriguez said my second pick of vacation date was approved if they have intention to terminated me why they approved my vacation if I will terminated on April 12, 2022 and discuss please Explain in details?
3. Why Sgt Rodriguez force me to leave Islam as my religion on April 9, 2022 when I was asked by Sgt Rodriguez to choose God or a job and he said comeback tomorrow if I choose job first but In Islam Allah must come first?

I was denied the pre-dawn meal to prepare for Ramadan and my Fajr Prayer was not done properly because of the radio keep calling my badge to report to Hospital Police Headquarters while I was praying and I was forced to choose God or A job in order to work there when Sgt Rodriguez asked me why you leave your post and I replied I have to pray, Sgt Rodriguez said this job it's not for you, you have to choose God or a job" and I reply I choose God first. I give him my ID, Keys, Radio, Badge and Sgt Rodriguez said **"I didn't fired you I just wanted to write-you up for walking out the post and you have to clock out at 5 am today I want you go home and think and comeback tomorrow if you choose job first and I told Sgt Rodriguez that today and tomorrow is the same thing I choose God first. Sgt Rodriguez questions to choose "God or A job" This question is the tawheed or Shahada (Testimony of Faith) questions which this questions according the Hadith of Prophet Muhammad Peace be upon him said to determine me as Muslim or Non Muslim and Shahadah of Allah first is the most important statement in Islam and people who giving up the shahadah considered disbeliever (Kafir) and the respondent refuse 2 major of religion accommodation on April 9, 2022 such as Fajrprayer and Suhr ,taking pre-dawn meal in order to prepare for fasting 14 hours in Ramadan even though I already request accommodation through email to hospital administration and internal complaint religious complaint but I already refuse accommodation On March 28, 2024 when my internal religious accommodation was denied already (See Exhibit G) the reason my internal complaint was reply within 36 hours delayed (See Exhibit B and See Exhibit C) the difference between 36 hours because my internal religious accommodation was verbally denied on March 28, 2022 when Captain Melendez passing post 4 main lobby, Captain Melendez said the department not willing to accommodated early prayer time all the time and Captain Melendez already denied my religious accommodation even though no undue hardship involved and the second incident of denied religious accommodation was on April 7, 2022 when Sgt Rosado told me that Sgt Rodriguez already instructed all field supervisor and central command officer to relief late to pray from now on and Sgt Rosado said sorry no more early prayer time for you anymore and**

from now-on I will be relief late to pray and I told them I will walked out the post if I relief late to pray and Central Command officer Wood if you walked the post I will get written- ups and On April 8, 2022 I sent the email to Hospital Administration I need accommodation to leave my post if nobody to relief me to pray and I testified that Allah's command to pray must come first and Sgt Rodriguez HP commands not to abandoned the post come second (See Exhibit F and Paragraph 8)

The Five Pillars of Islam are the fundamental duties and beliefs of Muslims:

1. **Shahadah:** The declaration of faith, which includes the statements "There is no god Except Allah" and "Muhammad is the messenger of Allah".
2. **Salah:** Daily prayer performed five times, facing toward Mecca.
3. **Zakat:** Almsgiving, usually 2.5% of annual wealth, given to those in need.
4. **Sawm:** Fasting during the month of Ramadan from sunrise to sunset.
5. **Hajj:** Pilgrimage to Mecca, the holiest city in Islam, if financially and physically able.

Shahadah is the first foundation in Islamic religion according to prophet Muhammad peace be upon him said we must pray on time but Sgt Rodriguez questions was straightforward when asked me to choose God or a job and I must said Allah first if not I become disbelievers because in Islam Allah must come first. Allah is above all when I pray I mentioned In Arabic: After Detective king comeback to the office is not possible for me to work there because they really do not want to accommodate my prayer time and this is become the pattern when they said they're busy but I didn't witness any of disturbance or critical in my post 4 main lobby or anywhere else. I can't work there if I don't give permission to pray. Allah command to pray is above all other command in this world. This is my religious beliefs obligations when the time to pray I have to be facing mecca to pray and said this word in Arabic:

Verify, I have turned face towards him, who created heaven and the earth. Worshipping none but Allah alone and I am not the idolaters. Verify my prayer, my sacrifice, my living and my dying for Allah, the lord of the all that exists. He has no partner and of this I have been commanded and I am the one of the Muslims.

When Sgt Rodriguez asked me this job is not for you "you have to choose God or a job is the infringement my religious beliefs because in Islam I have to love Allah first, Prophet Muhammad second, my mother third, my mother the fourth, my mother again the fifth , my father the sixth and other than this (job is option no.7). Sgt Rodriguez asked me questions leading me to my discharge because I have to choose Allah first above all because if I choose job first I become disbelievers meaning choose job as God.

In Islam we have to follow 2 things followed Qur'an and the hadith which the Quran mentioned to pray and the hadith is to tell how to pray which according to hadith if someone challenges the person about the shahada(god or a job) whether death or shahada and the person should choose death instead.

The hadith about the wife of pharaoh, Asiya who becomes one of the best woman all

time because of her decision to choose death when she was command to give it up her shahada and she choose she was torture to death instead. Shahada is the most important testimony in islam religion. Prophet Muhammad peace be upon him said people who died with his last word lailahaillalah will enter paradise..

The hadith about Pharoah's daughter hair dressers she was challenge her shahada to give it up her testimony of Islam by challenging she and her children will be boiled to hot water and she choose death instead.

Sgt Rodriguez asked me to choose God or a job is the most important testimony of my faith and this incident happened during fajr prayer which according to hadith of prophet Muhammad peace be upon him that fajr prayer was witness by 2 different Angels, Morning Angels and Night Angels and my testimony will determine If I am Muslim or Disbeliever(kafir)

See Qur'an verse and Hadith about the prayers:

*"Woe to the worshippers who are unmindful of their prayer. Those who delay their prayer".
(Quran 107:4-5)*

*It's a horrible sin to delay or ignore Al- Salah, so Allah Almighty warns us from that, He says :
"Woe to those who pray, who are heedless of their prayers (delaying them from their prescribed times)". [Al-Ma'un -4,5] ,*

*"Surely the Salat at fixed hours (of the day and night) has been enjoined upon the believers."
(Surah an-Nisa, 4:103)*

Umar ibn al-Khattab (RAA) reported that a man asked the Prophet (SAW): "Messenger of Allah, what action is dearest to Allah Most High?" The Prophet (SAW) replied: "Prayer at its proper time. The one who does not pray has no religion. Prayer is the main pillar of the religion (of Islam)." (Baihaqi)

The Prophet (SAW) said: "The first thing which will be judged among a person's deeds on the Day of Resurrection is the prayer. If that is in good order, he will pass the test and prosper, and if that is defective, he will fail the test and be a loser." (Tirmidhi)

The Prophet (SAW) said: "The covenant between us and them (that is, believers) is prayer, so if anyone abandons it he has become an infidel." (Ahmad, Ibn Majah, Abu Dawood, Nisai, Tirmidhi).

*The Prophet (SAW) said "What lies between a man and infidelity is the abandonment of prayer."
(Muslim)*

And he said: "If anyone abandons prayer deliberately he has no claim upon Allah" (Sunan).

Allah most High says: "Then there succeeded them a generation which neglected prayers and followed lusts. They will meet with destruction (Ghayy), excepting the one who repents and believes and acts righteously". (Quran 19:59-60)

"Abdullah asked the Prophet Muhammad (SAW) "Which deed is the dearest to Allah?" He replied, "To offer the prayers at their early stated fixed times." (Sahih al-Bukhari 527).

The Prophet of Islam (blessings of Allah be upon him and his family) told Imam 'Ali (peace be upon him) that, "With complete and proper Wudhu', stand up for the Salat at its prime time, and do not delay it from its appointed time because delaying the Salat without a (valid) reason brings about the wrath of Allah."

Praise be to Allah.

It is not permissible for a person to start praying when he is resisting the urge to urinate or defecate, because the Prophet (peace and blessings of Allah be upon him) said: "You should not pray when food is ready or when resisting the urge to urinate or defecate." (Narrated by Muslim in his Saheeh).

Narrated Abu Aiyub Al-Ansari: The Prophet said, "While defecating, neither face nor turn your back to the Qibla(Prayer direction) but face either east or west." Abu Aiyub added. "When we arrived in Sham we came across some lavatories facing the Qibla; therefore we turned ourselves while using them and asked for Allah's forgiveness."

Abu Ayyub reported: The Apostle of Allah (may peace be upon him) said: Whenever you go to the desert, neither turn your face nor turn your back towards the Qibla(prayer direction) while answering the call of nature(bathroom), but face towards the east or the west. Abu Ayyub said: When we came to Syria we found that the latrines already built there were facing towards the Qibla. We turned our faces away from them and begged forgiveness of the Lord. He said: Yes.

4. **Why On April 8, 2022 to April 9, 2022 , Sgt Rodriguez requested to Log-in to my employee NYC Health+Hospitals account twice?**

in the beginning of the shift approximately at 11:50 Pm to April 9, 2022 at 12:05 am using Sgt Rodriguez account and the second login when I was told to go upstairs to log-in to my NYC Health+Hospitals account again using Sgt Rodriguez computer when Sgt Rodriguez said he log out from my account by mistake and he wanted me to login to my account again and prior my first request log-in to my Employee account at April 8, 2022 at beginning at roll call approximately on 11:45 pm -11:59 PM and Approximately at 12:30 am-01:44 am Officer Chapagain came to my post and told me Sgt Rodriguez told me to relief me to go upstairs

5. **Why On the day I was discharge Sgt Rodriguez told me specifically that the reason I was get written up on April 9, 2022 because of misconduct praying when he said " I did not fired you, I just wanted to write-you up for walking out the post" when He was aware that I was walking out the post in order to pray when He asked me question "Why you leave your post" and I reply to Sgt Rodriguez "I have to pray" and he reply "this job is not for you", "You have to choose God or A Job" I told Sgt Rodriguez I choose God First and I gave all my police equipment.(See Exhibit L-3)**

Age Discrimination

6. Can you explain more further regarding your statement on your position statement on page 7 the first paragraph stated:

i. *Charging party's performance issues did not improve after her first evaluation. A second evaluation was drafted by Rosado for time period of May 3, 2021 – May 2, 2022 but this evaluation was not signed(Exhibit I-second Performance Evaluation)*

I don't understand ,Please provide any material fact which in entitle by the reason why you added second evaluation to respondent position statement with Sgt Rosado modification which you have acknowledge according position statement that the second evaluation was due after my constructive discharge on May 3, 2022 and I did not received the second evaluation position statement prior my constructive discharge.

7. Why There are many discrepancies on my negative performance because my police memo book indicated that I was off on the day I was told by the Hospital department that I was "fail" to perform some patrolling job task but I did not assigned to patrolling post job tasks(See Exhibit Q,Page1-4), Please find my police memo books stated that I was off this day(See ExhibitK,M,N,O,P)

| Competency | Date Observed | PASS/Fail/not applicable | Hospital memo book/ Schedule | SEE EXHIBIT |
|---|---------------|--------------------------|------------------------------|--------------------------------|
| Response Matrix.. for code pink alarm | 09-12-2021 | Fail | I was off on this date | SEE EXHIBIT K AND EXHIBIT C-13 |
| The Tour Commander ...cancel code pink | 09-24-2021 | Fail | I was assigned to post 2B | SEE EXHIBIT M |
| Officer detained...the Abductor Alarm condition | 10-6-2021 | Fail | I was assigned to post 4 | SEE EXHIBIT N |
| Dispatch Officer to Investigate | 10-18-2021 | Fail | I was assigned to post 4 | SEE EXHIBIT O |
| All officer...IPS area | 10-29-2021 | Fail | I was assigned to post 4 | SEE EXHIBIT P |

- 8 Why during hospital police academy I learned that the officer will be terminated from the job only if the officer committed code ethic violation such as smoking, drinking, lying, Killing, abusive police power and integrity?
- 9 Why Detective king skip some of procedures of training for post 8 midnight shift (See Exhibit C-19,@POST 8@0315)in order for me not to learn completely. The part of assignment post 8 was to relief central command officer for lunch and break. When she was about to relieve central command officer for lunch or break, she asked me to sit at ER post 2

or Post 4. She did not want me to learn about central command desk assignments because she wanted me to be discharged and disqualified because I am new older officer.

- 10 **SEE EXHIBIT C-19 WHY** I did not received the same training as new younger employees have. During patrolling post training (Post 8, Post 9, Post 10) usually the new officer should assigned patrolling post assignment the next following day or a week to learn more about the assignment or to understand further more and can asked any questions the officer might have regarding patrolling post assignments. But in my situation the training was not done properly because after training I did not assigned to patrolling post assignments right away as other new younger Officers (Chapagain and Smith) instead I was assigned limited only to midnight shift restricted post 4 main lobby most of the time and sometime post 2B and Post 2A. I did not given the opportunity to learn more about patrolling post as other new younger officers had.

- 11 **(See Exhibit EEOC DOCS, List No. 12 , Officer Day, E)** Please Explain about Officer Day, E in details when I used to work at post 4 main lobby approximately In September-2021 to February 2022 there was a lady who came down during her break approximately at 12: 30 am—2:45 am and almost see her every day at post 4 main lobby building and she said during her break she like to go outside to take the fresh air and before she went outside, we both chit chat sometime and when she gave me the clue statement which I believed leading to my believed my first evaluation of negative evaluation which given to me on November 19, 2024(See Exhibit Q) was creating by Detective King when the lady said:

There is another lady who used to work at post 4 main lobby and she is old and she called sick a lots and Department can't wait for her to retired

I did not concern about the lady statement until I met Officer Day (See exhibit EEOC DOCS PAGE 5 and Page 6 and Officer Day, E is on the list no. 12) myself when she went back to work and I am not sure if she coming back for long sick leave and I was realize when Detective King acting differently since I was revealed my age to her and made me believed the first evaluation was created by Detective King because the first evaluation negative working environment was indicated by "profile" and the respondent EEOC position statement modify the statement of negative working performance which I received on November 19, 2021 by adding Sgt Rosado modification statement on EEOC Position statement which I believed the first negative working performance statement was created by Detective King (See Exhibit Q Page 12-32) because the one which I received without Sgt Rosado modification(See Exhibit Q, Page 12-32) With Second evaluation statement added Sgt Rosado modification on "supervisor evaluation page"

I do not binding about the opinion statement and the respondent should provide the incident to construe the facts that as direct facts instead of indirect statement about what he feels that I failed because my job to follow instructions above officer and many time Sgt Rosado wanted me to be failed or other field supervisor instructed me to be failed by

pause and limit my training in patrolling post(differ training as new younger officer) and incomplete training (due to Department think it waste time to trained me due to my age and I will be the next officer Day, E which her age cause adverse to the department when according to the lady testimony she said " there is another lady who used to work at post 4 main lobby the department can't wait for her to retired she old and she called sick a lot" the lady statement of " *the department can't wait for her to retired*" was the key statement which I believed my age was the reason my patrolling post training was pause and differ than the new younger officer and one time Sgt Rosado told me to step back and let the senior officer come to the front and one time there was incident at post 2A and Post 2B I was told to open the morgue to relief the body event though this assignment is not post 2B assignment or post 2A assignment because my job is followed the commands of above officer but on prayer time I only obey Allah's command to pray onlyand Also, I never have any staff was hurt during my present according the respondent position statement EEOC which sometime I did not aware about all the negative working performance on my file mentioned something which I believed premeditated plan because of I am new older female officer and according to the lady testimony that Officer Day, E was old and called sick a lot and her age was cause an adverse to the department which the department can't wait for her to retired and I believed the department did not train me properly on Patrolling post and give me different training with the new younger officer(Officer Chapagain, Officer Smith)because they want to set me up to be failed because of my age by giving me post 4 midnight shift restricted post permanently with struggle accommodation for bathroom and prayer on time and the department believed it waste of time to train me and I will be next Officer Day, E in few years from now which the department can't wait for her, Officer Day, E (See Exhibit EEOC Docs, Page 5-6 , List No,12) to retired and this is the reason why I was received different training than new younger officer and I was excluded to receive prior training as per new younger officer because I was set up to be failed because the department believed it's waste time to trained me because of my age and I will be the next officer Day, E which the department can't wait for her to retired.I started to be received negative working performance when my training was on pause and incomplete because I was set up to be failed because I am an older new officer.

(See Exhibit EEOC DOCS, Page 5-6, See List No. 12)From the list we can see that Officer Phillips(List no.11) who used to be central command officer which his place was replace by Detective king and on the same time frame officer Day, E was retired which according to the lady testimony about Officer Day, E and followed up with officer smith (List no.13)he quit after :

There is another lady who used to work at post 4 main lobby she was old and called sick a lot and the department can't wait for her retired

I strongly believed my first negative working performance was created by Detective king and I am certainly sure because on the Period August 2021 – November 2021 my interaction with Detective King only and Detective king also added that she will put negative working performance on my file when She came to me angry "it's going to be on

your file" but I do not know what she was talking about and definitely Detective King, and Sgt Desantes were abusive their police power by mentioned giving the false statement to position statement about me that I did not check employee ID in Daily basis . I strongly believed all the negative working performance because of my age and my age become adverse employment action to the department according to the lady testimony. it's Detective King's statement because I revealed my age to her and I started refused prayer and bathroom accommodation, write-ups from Captain Melendez regarding abandoned the post in October 2021 because refuse accommodation for bathroom and prayer and leading to my discharge on April 9, 2022.

Wallahuazheem I didn't know why respondent position statement mentioned I was failed on escalated technique on because according to my police memo book I was off that day and some of negative working performance was indicated I was failed on Patrolling post assignment when I did not assigned to any patrolling post and my training on patrolling post assignment was incomplete and new younger officer already assigned to patrolling post and have rotating working assignment. Detective King and Sgt Rodriguez was started assigned me to work on post 4 main lobby with the extremely difficult bathrooms accommodation and prayer accommodation which refusal of bathroom accommodation was effected my health when Approximately in February- July 2022 The doctors told me that I had extremely urinary tract infection which the doctors said I am not supposed to hold my pee and changing the pad if I needed to during period and I was on prediabetic condition too which I hope the Hospital care investigator (List 604) will called me but on the same time I have to filled the internal religious accommodation when I was not relief to pray on time and when I filled the internal religious complaint

(See Position Statement , Page 7, Paragraph 1, Line 1-19) Also I never took any test with Sgt Rosado because already done all training in academy and defensive tactics and I pass all the requirements because according captain Padilla that hospital police academy provided all the complete package and ready to work and there was no need to trained me on this tasks but according the police academy we were only training regarding the facility not "the emergency technique" but the position statement mentioned about escalated class which I already done it in HP police academy(See Exhibit Baton Certificate) and the respondent position statement mentioned I was failed on "Her lack assistance during emergency calls will results injury to herself or other staff" but my job is to followed instruction and the department excluded me to be part of the team because I am older new female officer which this time also the same time according to the lady testimony that Officer Day, E which according her testimony about officer Day, E "she old and she called sick a lot and department can't wait for her to retired" which effecting me because the Detective king found out about my age on the transition the department almost set free from Officer Day, E which her age cause adverse to the department when the lady directly describe Officer Day, E because ("she was old and called sick a lots)" to be retired and I came along as new older female officers which the department reluctant to accept me because I will be the next future Officer Day, E which the department can't wait for her to retired but Officer Day, E was started the

Hospital Police in young age and I knew Officer Day, E was working at central command sometime and Post 4 Main lobby.

Respondent position statement response On page 6, Paragraph 4: Line 1-2, continue to Page 7: Line:1-11

Charging Party, throughout her employment with the System, was deficient in her performance as a Special Officer. Charging Party's work performance was evaluated after six months; Charging Party's overall evaluation rating was unsatisfactory [Exhibit H- 11/19/2021 Evaluation]. The Supervisor who completed the evaluation, Rosado, noted that Charging Party, "did not possess the necessary skill set to be an effective Hospital Police Officer and her lack of assistance during emergency calls will result in injury to herself or other staff members." [Exhibit H- 11/19/2021 Evaluation]. Rosado said that Charging Party had trouble grasping basic concepts and her performance was well below standards. The evaluation indicated that Charging Party "receives corrective instruction on Hospital Police Standard operating procedure on a daily, weekly and monthly basis by varied supervisors from all shifts as well as senior training supervisors with little signs of information retention"

The position statement mentioned my poor performance was conducted by Sgt Rosado but I never done any training with Sgt Rosado. That's why I was confused when I received negative working performance position statement was from him because my most engagement was with Detective King when my training was incomplete in or on October-November 2021 and Detective King and Sgt Rodriguez stop my training at patrolling post which on the same time Officer Day, E was on the schedule to retired and also during police academy that the officer can terminate from the job only if the officer violated the code Ethics only if the officer: smoking, drinking, lying, killing, abusive police power, integrity and respondent cannot terminated or accused me for negative working performance which I did not know and I strongly believed my termination letter on April 12, 2022 because of misconduct praying as per Sgt Rodriguez told me during my constructive discharge his intention to write me-ups because I was abandoned the post to pray and which consider the same by asking me to leave Islam as my religion in order to work there by saying "this job not for you, you must choose God or a job "comeback tomorrow if you choose job first" but In Islam Allah must come first

12 Why On October 2021 when morning shift have shortage officer (See Exhibit S-9, or EEOC Docs Page 3-4) Captain Melendez refuse me to working in the morning shift with reason explanation because the department have enough female officers but I found out in December 10, 2021 Captain Melendez place 22 yrs old female officer, recent graduate officer Sultana working in the morning shift on December 10, 2021?

13 Why the respondent had giving more favorable working condition to the new younger officer(Officer Smith, Chapagain, McLaughlin, Gutierrez) who were graduated from HP police academy on July 23, 2021(See Exhibit C-15) the same date as my graduation?

I am assigned to Midnight shift on August 9, 2021 with Officer Smith and CHapagain(See Exhibit C-14) and Officer Gutierrez and Officer McLaughlin stay in the morning shift(See Exhibit C-14) all of them already granted working at patrolling post and

14 Why I did not treated equally as the new younger officers(Officer Smith, Chapagain, McLaughlin, Gutierrez,) in terms and conditions of employment?

All of us were graduated from HP police academy on July 23, 2021(**See Exhibit C-15**) which we were have the same date of hired(and graduated on the same day too but the younger officers were given opportunity to grow which:

- Officer Smith assigned to Central Command officer training in October 2021 and rotating post assignment(**See Exhibit C-13**)
- Officer Gutierrez New younger Officer who graduated with me was promoted to ER FLEX Officer(Exhibit C-11, Exhibit C-17)
- I was excluded to be part of Hospital Police Team as per EEOC position statement stated "Her lack assistance during emergency call will result injury to herself or staff members" which according to hospital police academy the officers should working in a team and united together not to look other officer less than one another
- Officer Chapagain move to preference shift in October 2021 and already assigned to patrolling post and rotating post assignment within a month(**See Exhibit C-12 & See Exhibit C-13**)
- Put me on the Graveyard shifts and give morning to new younger Officer, 22yrs old Officer Sultana to work on my preference shift
- My training was differ with the new younger officers(My training was pause and incomplete Sgt Rodriguez and Detective king assigned me to post 4 main lobby which giving me the difficult accommodation for bathroom and to pray and my training in patrolling post was pause (did not finish) and the younger new officers(Chapagain) already given the opportunity to choose their preference shifts In October 2021(**See Exhibit C-12 AND Exhibit C-13**) , Rotating Job assignment in Patrolling post but I never assigned to work as patrolling post officer(I never have rotating job assignment to work at patrolling post(**See Exhibit T**), Indicated never assigned to work on patrolling post
- Put me permanently in restricted post 4 main lobby with struggle accommodation for pray and bathroom accommodation which supposed to assigned to new recent HP police Graduate(**See Exhibit C-10**) "But for""My age" is the adverse in the department I was place at midnight shift post 4 main lobby with difficulties of bathroom accommodation and prayer accomodation
- Accusing poor performance of not checking the Employee ID from Sgt Desantes statement On respondent position statement(**See Exhibit T**), My police memo book indicated the Employee who refused to show her ID meaning I did check the Employee ID on my police memo book(**See Exhibit T**, Page 66 @1541 and Page 131-132 @0332 am).

15

ADA Discrimination

Did you agree that "but for "my prayer accommodation was struggle to accommodated I was reluctant to request for ADA accommodation if my prayer was struggling to be accommodated I cannot work there ?

My prayer is my everything and the purpose of life is to pray according to Muslim religion and Allah commands to pray must come first . I was diagnose prediabetic in December 2021 and at the time everything was okay because I work at post 2B most of the time and I work at post 4 main lobby in the weekend when Detective King was off until in the end of January 2022 the respondent took post 2B from me completely and assigned me to work on Post 4 Main lobby permanently and made me struggling for prayer accommodation and bathroom accommodation. The department aware that Detective King especially Captain Melendez who defend Detective King when He said the department not willing to accommodated early prayer time all the time and when I mentioned "NLRB" when I requested the verbal refuse statement in writing that the department not willing to accommodated my early prayer time all the time and bathroom accommodation.

I also been advise by 3 different doctors not hold my pee, Change my pads frequently during periods and urinate frequently because I got very serious urinary tract infection but my working condition did not accommodate me for bathroom made me struggling and leading to my constructive discharge on April 9, 2022 when the department not accommodated for me to pray either which leading to my discharge when Sgt Rodriguez asked me to give it up Islam as my religion when I was told to choose God or A job in order to work there during my constructive discharge(See Exhibit L-3) when Sgt Rodriguez told me to go home and clock out at 5 am today and comeback tomorrow if I choose job first or he trying to made me become the disbelievers(LEAVE ISLAM AS MY RELIGION) and I have to choose to be discharge because if I stay in the job I will consider **DISBELEIVER in Islam** because in Islam Allah and prayer must come first which leading to my constructive discharge which I told firmly that Allah commands to pray must come first.

Qur' an : Surah Al Mu'Minun(The Beleivers)verse 34-37, which indicated Allah Commands to pray must come first and Sgt Rodriguez command not to abandoned the post come second and I have to leave the job in order to keep Islam as my religion because Sgt Rodriguez said comeback tomorrow if you will choose job first or Comeback tomorrow if you become disbelievers or leave Islam as your religion.

Qur'an (AlMu'minun 34-38). Al Mu'minun in english meaning is "the Believers"

"If you were to obey a human being like yourselves, then verily! You indeed would be losers.

"Does he promise you that when you have died and have become dust and bones, you shall

come out alive(resurrected)? "Far, very far is that which you are promised. There is nothing but our life of this world! We die and we live! And we are not going to be resurrected! "He is only a man who has invented a lie against Allah, but we are not going to believe in him."

This statement was leading to April 7, 2022 statement when the department said they were not willing to accommodate my earlier prayer time anymore and I will relief late to pray from now-on and if I walked the post I will be get write-ups for misconduct of praying of company policy of post abandonment. Until April 9, 2022 the department premeditated undue hardship incident and cost me constructive discharge.

Gender Discrimination (Women rights)

- 16 Why my intention to be pregnant become the contingency of the terms and conditions in order to be hired or not?

when I was told that by the nurse Beverly that if my husband was able to wait 6 months patiently to take my virginity and definitely he was able to wait 3 months to hold my pregnancy and I was told by nurse Beverly that use condoms when having sex but I cannot tell my x husband to use condom because I don't want to made him upset because I am upset too my rights to be pregnant was become the contingency of the employment when I was beg Dr. Willby to be pregnant and I told Dr. Willby that I already have one MMR vaccine from Baruch college but Dr. willby told nurse Beverly about me that "she don't understand she need 2 MMR vaccine in order to be hired and take the vaccine and comeback with the paperwork with baruch college" but I found out according to Exhibit A-3 my second MMR vaccine can be hold until March 2022 . DrWillby said I cannot get pregnant within 3 months because I have to take MMR vaccine in order to be hired eventhough I told Dr. Willby that I already have one MMR vaccine from Baruch college and Me and my x husband we were so eagerly wanted to plan to have a baby and Dr Willby force me to take the MMR vaccine or I will not getting the job that in order to fulfill terms and conditions of Employment at NYC health+hospitalsthat I required to sign the consent if I pregnant my baby will be harm because the MMR vaccine will messed the baby up according to the nurse Beverly in order to fulfill terms and conditions at NYC Health+Hospitals and the hardest decision ever as the first time opportunity to be a mother and I was told that I can't get pregnant within 3 months which is to hard for me to handle I am accidently pregnant on June 19, 2021 with no heartbeat. I believed my rights as woman had been violated.

- 17 Why Dr.Willby did not give me the accommodation to be pregnant in the first place in March 2021 when the second MMR vaccine can be hold until March 2022(See Exhibit A-3) and when I requested to be pregnant?
- 18 If tightened the belt is part of uniform company policy why I am the only one to force tightened my belt when Captain Padilla told everyone in my squad and he said "everyone comeback to classroom except recruit Febrianti" and after every one leave I was told by Captain Padila that if you have a belt like that I will take you upstairs meaning going upstairs preparing of discharged paper and Captain Padilla

instructed Detectives lay to adjust my belt and she took me to the bathroom and she tightened my belt without my freewill because I will not able to do that because of the baby inside. Detective santa lay tightened my belt without my freewill and I came back to classroom and when I sit I feel congested on my fetus but I need a job band on the same day at 5 pm I got the blood discharged?

**Retaliation Refuse to Hired:HCI, REFUSE TO FILED NYPD EVICTION
&ISLAMOPHOBIC COMPLAINT**

- 19 (SEE EXHIBIT S of my special officer onboarding form)**Why during on my Special officer on boarding procedure I received the notification letter in the mail,email notification and phone called but from Hospital Care Investigator (List 604) onboarding I never received nothing in the mail, email or received any phone call from NYC health+hospitals?

Also, the same time frame of my internal religious complaint to NYC Health+Hospitals(See Exhibit A, Exhibit B, Exhibit C, Exhibit F, Exhibit N-2), I supposed to received the notification of letter invitation of onboarding package in the mail which indicated the address and time for onboarding schedule will be held and need that onboarding letter in the mail in order to enter into building because 50 water st is private building need to show the paperwork that indicated that I am onboarding list and my list was up according to Mahmuda Statement on March 4, 2022 (See Exhibit B1, Exhibit C-1, Exhibit C-2, Exhibit C-3, Exhibit C-4, Exhibit C-5) when she show me Her Exhibit S of her Hospital Care Investigator onboarding status which her interview almost the same time frame when I filled internal religious complaint to Captain Melendez and Hospital Administration (See Exhibit A, Exhibit B, Exhibit N-2 , See Exhibit F)

- 20 Why because of my protected activity of having lawsuit against the city (NYC Health+Hospital) and DHS made NYPD refuse me to filled eviction complaint on September 19, 2024?**

I strongly believed I was refused to filled the police report eviction complaint on September 19, 2024 because of my protected activity having lawsuit with NYC Health+Hospitals.

I understand DHS retaliate when on my CCRB complaint (investigation on my August 24, 2024 incident)I disclosed to CCRB investigator, Sgt Paulson that the Department Homeless Service shelter manager (William Wilkins, black race)has protected black lady from my Islamophobic complaint because she is belong to black race when Mr. Williams distracted me not to made the Islamophobic complaint against her because she is belong to Black race. In order to protect the black lady (Islamophobic Harraser), Shelter Manager, William Wilkins made offensive and unpleasant comments of my personal body during security guards morning roll call which made me feel uncomfortable and left without filled the Islamophobic complaint but regardless what happened in the shelter NYPD should be allowed me to filled the eviction complaint and protected me from being evicted from the shelter On September 19, 2024.

I strongly believed my eviction from the shelter was related to August 24, 2024 incident when I was adding the sexual harassment complaint through email to my original (Race, Religion) Department Human Rights complaint against Department of Homeless Services but regardless

what happened I supposed to be treated equally regardless my protected activity having lawsuit against NYC Health+ Hospitals and not supposed to be denied of the rights of shelter and rights to filled NYPD EVICTION complaint regardless of my protected activity.

I had 2 occasional incident refusal to filled police report which I believed because my protected activity NYPD officers has refused me to filled the complaint. The first complaint was on August 24, 2024 when I received islamophobic slur incident from black lady in my shelter when NYPD came to my shelter and refused me to filled the complaint because of my protected activity and Both of NYPD officers said "why you called us instead calling them". NYPD has put Islamophobic complaint slightly by refused me to filled the islamophobic complaint. The second complaint was in September 19, 2024 on the day I was evicted for the shelter and I called 911 to report eviction and the 911 operator said there's nothing we can do.

Also on November 2023 "but for" the respondent NYC Health+Hospitals has sent and the answer of my SDNY complaint in torn envelope. Not sure whether Department of Homeless Services employee open the package because when I received the answer of complaint from NYC Health+Hospitals the envelope already alter and torn. I believed because of the respondent NYCHHC negligence send the alter or broken envelope to my shelter disclose my protected activity to DHS Employee made the DHS(Director of Housing, Mr. Black) acting differently since November 2023 and retaliate against me and made me denied to move to my cityheps apartment which I already find my cityheps apartment in November 2023 and approved since December 2023 because of my protected activity race, religion and Lawsuit against the city(NYC Health+Hospitals)made me denied benefit of city benefit of cityheps voucher.

I went to Department of Human Rights in September 2024 to filled NYPD discrimination complaint prior my evicted from the shelter Approximately In September 2024 and DHR said NYPD have different jurisdiction and DHR advised me to filled NYPD discrimination complaint to CCRB which located at 100 church street which the same address as per defense counsel of NYCHHC Rodalton Poole.

I got 26(F) phone conference with Mr. Rodalton Pole to discussed the Schedule Order and Management Plan and on the same night I send email to Department Human Rights to add August 24, 2024 additional complaint of sexual harassment complaint to Department Human rights against Department Homeless Shelter and the same night I did not allowed back to the shelter and I called 911 operator to report about my eviction from the shelter and the 911 operator said "there is nothing we can do". I called the NYPD second time but no body came I was force to stay on the street against my free will because of protected activity.

On August 24, 2024 Shelter manager William Wilkins was intimidating me and make unpleasant comments of my personal body during security guards morning roll in order for me not to filled islamophobic complaint to protect the black Islamophobic harraser lady. The shelter manager William Wilkins purpose was try to stop me not to made islamophobic complaint about the black lady because I believed because the shelter manager was discuss my protected activity to her when I requested not letting the men enter my room because William Wilkins denied my religion accommodation when the male shelter employee deliberately saw my hair without my free-will even though I told them "women only" came my room and the lady said "you ain't special, you bitch"

Hi Miss why you here, is your husband beat you up? You are Muslim, you walk like you're special, you ain't special, you Bitch

the shelter manager (WilliamWillkins)made complaint unpleasant uncomfortable comments of my personal body in public during security guards no matter what happened I am not supposed to be denied the shelter and NYPD should help me and allowed me to filled the eviction complaint but because of my protected activity having lawsuit against the city with NYC Health+Hospitals and DHS I was denied to made eviction report to NYPD.

NYPD officers refused me to filled the complaint when NYPD officers with their body cam on : why you called us and denied me to filled the complaint and the second incident was on Sept 19 2024 when I was evicted from the shelter by not allowed to enter to the shelter by security guards in my shelter when I called 911 to report the eviction the 911 operator said there's nothing we can do and when I called 911 for second time I believed my call was block and transfer to the supervisor desk or the above position officer and no officers came, no phone called. I was denied rights to shelter, I was denied rights to filled the eviction complaint because my protected activity of having lawsuit against NYC Health+Hospitals.

On September 13, 2024 CCRB investigator, Sgt Paulson, Denied my NYPD discrimination allegation and he discussed about something else.when I asked him if he put my islamophobic complaint slightly and he said I try to put word in his mouth and he said my case is close. I was denied to filled the complaint and he said If I wanted to filled islamophobic complaint go to no. 1 precinct but if the upper head of CCRB AND AIB of NYPD investigator already denied my complaint what the reason to filled the complaint again.

Sgt Paulson said my case is close when I told him that the same Islamophobic Black lady who attacking me in the shelter probably was the same person who attacking me who threw phone on my face in Brooklyn. I got incident in April 2024 when I had the other Islamophobic incident which the lady threw the phone on my face at Franklyn avenue and Fulton St but I am glad I am fine because the phone fell on the ground before the phone reach my face but still she attempted to hurt me if the phone not felt on the ground I will hurt so badly.

Sgt Paulson, he said my case is close.

I strongly believed my protected activity of having lawsuit against NYC health+Hospital made me denied to filled the NYPD eviction complaint on September 19, 2024 and Islamophobic complaint(August 24, 2024).

- 21** *Why the respondent, NYC Health+Hospital using the same method of discharge and same defense as per my defective lawsuit in 2015 against Starwood worldwide which I was constructive discharge first on June 19, 2015 and terminated later in the mail on June 30, 2015 by mail send by certified mail with receipt number trying to cover the constructive discharge on April 9, 2022 by sending the termination letter in the mail on April 12, 2022 after my constructive discharge and the investigation was conducted between my constructive discharge and termination letter sent in the mail?*

22 Why I did not received Exhibit S of Hospital Care Investigator in mail, email and phone notification?

See Exhibit B-1, Exhibit C-1,c-2,c-3,c-4,c-5) ,(EXHIBIT S) of this position DID NOT DELIVERED TO ME in the mail) AS PART OF MAHMUDA STATEMENT, I met the lady at at OHS 6th floor while I was attempted to go to OHS in March 4, 2024 as per Captain Laboy command to go to OHS (Employee Health). Her name is Mahmuda and her list #586. She told me she was there at OHS in order for onboarding process for Physical examination for Hospital Care Investigator(List ; 586) and she was showing me her(**Exhibit S, Onboarding process)which she RECEIVED through mail which contain her , address and her list# and the address for onboarding process will be held which it almost the same with my special officers job offer I was received in the mail about where to go for onboarding process and without that letter in the mail I would not know where to go because without letter the candidate did not allowed to enter into building because that building**

23 Why the respondent refuse to hired me as hospital investigator list:604 because of my protected activity which I believe according to Mahmuda 586 statements she received the letter of invitation regarding her onboarding package in the mail almost the same time of my filling the internal religious complaint to Hospital police department(See Exhibit A, Exhibit B, Exhibit E, Exhibit F)?

My protected activity of having Discrimination lawsuit against former Employer in Federal Court(SDNY) in 2015(See Exhibit R).This time frame is the same time I supposed to received letter in the mail regarding this position. I never received anything in the mail, email or phone call about this position I believed the respondent refuse to hired me because of protected activity of filling internal religious complaint at NYC Health+Hospitals(See Exhibit A, Exhibit B, Exhibit N-2, Exhibit F)and retaliation of my filling the complaint of discrimination of my former employer while during psychological interview question(See Exhibit R) I was asked "Do you have any court proceeding" and my answer was yes I had discrimination against my former employer in federal court in 2015.

24 Why Mahmuda (List 586) Did not required to take MMR vaccine See Exhibit B-1, Exhibit C-1,c-2,c-3,c-4,c-5)?

I met the lady on April 4, 2022, Her name is Mahmuda. She said on her text messages during onboarding process she did not asked to take MMR vaccine by the respondent that she was hired As Hospital Investigator and she said she received letter in the mail stated that her list number was up for onboarding process for the city jobs as Hospital Care investigator and she added she received letter in the mail and email notification and sphone too. The lady, Mahmuda also show me her(**Exhibit S) of her Onboarding employment process she received the letter in the mail and email and the phone and almost the same like the form when I received for special officers civil service notification in the mail .See Exhibit S**

Sincerely yours,

A handwritten signature in black ink, appearing to be "Erica Febrianti", written over the typed name.

Erica Febrianti

RECEIVED

2025 JAN -6 PM 11:57

Plaintiff Initial request for production FED.R.CIV.34

Activity in the case Febrianti v NYC Health+Hospitals, 23 CV 06175 (JLR)

U.S. DISTRICT COURT SDNY

PLAINTIFF'S FIRST SET OF REQUEST FOR PRODUCTION TO DEFENDANT

Pursuant to Fed. R. Civ. P. 34, Plaintiff hereby submits the following Request for production to Defendant. Plaintiff requests that Defendant serve its answers, in writing and under oath, to Plaintiff within 30 days of service of these Interrogatories and request for Production.

For the purpose of these production to defendant only, Plaintiff has used the definition

Pursuant to Fed. R. Civ. P. 26(e), you are under a duty seasonably to amend any answer to these request for production for which you learn that the answer is in some material respect incomplete or incorrect and if the additional or corrective information has not otherwise been made known during the discovery process or in writing.

For any or part of production which you refuse to provide under a claim of privilege, submit a sworn or certified statement from your counsel or one of your witness or client in which you identify the nature of the information withheld; specify the grounds of the claimed privilege and the paragraph of these request production to which the information is responsive; and identify each person to whom the information, or any part thereof, has been disclosed.

Answer each request for production fully. If you object to any providing the request of production, state the reasons for objection and answer to the extent the request for production is not objectionable.

If you are unable to answer and provide the request for production fully, submit as much information as is available, explain why your answer is incomplete, and identify or describe all other sources of more complete or accurate information.

For any record of CCTV camera footage or phone conversation responsive or relating to these request for production which is known to have been destroyed or lost, or is otherwise unavailable, identify each such document by author, addressee, date, number of pages, and subject matter; and explain in detail the events leading to the destruction or loss, or the reason for the unavailability of such CCTV Camera Footage or Phone Conversation record

No agreement, understanding, or stipulation by the NYC Health+Hospitals or any of its representatives purporting to modify, limit, or otherwise vary these Initial request for production shall be valid or binding unless confirmed or acknowledged in writing (or made of record in open court) by a duly authorized representative thereof.

I strongly believed April 9 2022 is premeditated plan undue hardship because the department aware I will walked out the post if nobody relieve me to pray from the email I sent to Hospital Administration on April 7, 2022.

Please See Exhibit U to find and identify the time frame of the incident according to my post assignment which Exhibit U is the summary of my post

working assignment according to my police memo books

1. **Please provide phone conversation and CCTV Video footage**
See Exhibit N-2 and Exhibit F. Please provide the phone conversation on April 7, 2022 approximately between 04:30 to 0500 am between me, Erica Febrianti (Post 4 Main Lobby), Officer Wood (Central Command Officer) and Sgt Rosado(Field Supervisor) when Officer Wood said that he was instructed from Sgt Rodriguez to relief late to pray at 0513 am and I told him that will be late for me to pray and I said if nobody relief me to pray, I will walked the post and Officer Wood said If I walked out the post I will get write-ups. He transferred the called to Sgt Rosado and Sgt Rosado said that Sgt Rodriguez instructed all central command officers and field supervisors to relief late to pray from now-on and when Sgt Rosado stated that "sorry no more early prayer time for you anymore"
2. **Please Provide the Detective King family information if Detective King In or on August 2021 Detective King have 4 Grandkids and she is 44 yrs old**
3. **Please provide all the cctv camera footage and all necessary evidence such as phone call information in my all interrogatories statements**
4. **Please Provide the highest education of Captain Melendez, Sgt Rodriguez, Detective King and what age they started working as Hospital Police Officer**
5. **Please Provide the CCTV camera footage and phone conversation to find cctv camera footage according to my post assignment for all my Exhibits which I stated on emails and October 18, 2022 allegation from position statement which involved with Detective King and Also the incident when Detective King slam her palms on the Podium post 4 main lobby in harshly manner(Anger), Approximately in September 2021 to February 2022 and on the same time she was moving the podium post 4 main lobby so harshly and angry which almost hit on the knee caps while I was sitting at Post 4 Main Lobby and she said "why this person end up in mental health building" and she said "it will be on your file" which she stated to me she was able to access my personal file to enter negative working performance. the respondent said on position statement that I did not performed check employee ID and failed to performed check Employee ID in daily basis which is not truth statement which I believed the negative working performance was created by Detective King(See exhibit T of my police memo books, Page 66@1541 and Page 131-132@0332 am) when I was stated in my police memo books that for employee who refuse to show their ID meaning the accusation not checking ID prima facie of age discrimination as per new older police officer.**
6. **(Please See Exhibit X) Provide the letter and CCTV camera footage of the incidents on March 22, 2021 or March 28, 2021 At OHS employee Health department 6th floor approximately at 10:00am to 12: 30 Pm which Dr. Willby asked me to sign in March 22, 2021 or March 28 2021 as part of the terms and conditions of the employment that I cannot get pregnant within 3 months and which by signing the letter that my baby will be harm if I am pregnant is become the agreement of the terms of conditions of the employment (see Exhibit X) that when I was told by Dr willby the side effects of the MMR vaccine that I cannot get pregnant within 3 months and if I pregnant will be on my own risk and my unborn**

baby will be harm and the letter also stated that the side effect of the MMR vaccine can be death too for certain people but I was more concern to be pregnant because me and my x husband so eagerly was expecting and planning to have a baby when I lost my virginity approx in February or March 2021 when the nurse Beverly told me to used condoms in order to have sex

7. See Exhibit B-1, C-1, C-2, C-3, C-4, C-5 Please Provide the CCTV camera Footage at QHS, Employee Health, 6th floor On March 4, 2022 when Mahmuda 586 Show me her **Exhibit S** of her Hospital Care Investigator when She told me that she received the letter in the mail regarding onboarding for Hospital Care Investigator procedure to go to 50 water street for onboarding procedure for Hospital Care Investigator. Without the Onboarding letter sent in mail I am not able to enter the building (**See Exhibit S of my Special Officer onboarding**)
8. Please Provide the CCTV camera footage when I used to work at post 4, main lobby approximately In September-2021 to February 2022 of the lady who came down during her break approximately at 12: 30 am—2:45 am and almost see her every day at post 4, main lobby building and she said during her break she went outside to take the fresh air and before she went outside, we both chit chat sometime and when she gave me the clue statement which I believed leading to my believed my first evaluation of negative evaluation which given to me on November 19, 2024(**See Exhibit Q**)was creating by Detective King when the lady said:

There is another lady who used to work at post 4 main lobby and she is old and she called sick a lots and Department can't wait for her to retired

I did not concern about her statement until I met Officer Day (See exhibit EEOC DOCS PAGE 5 and Page 6 and officer day is on the list no. 12)myself when she went back to work and I am not sure if she coming back for long sick leave and was realize when Detective King acting differently since I was revealed my age to her and made me believed the first evaluation was created by Detective King because the first evaluation negative working environment was indicated by "profile" and the respondent EEOC position statement modify the statement of negative working performance which I received on November 19, 2021 by adding Sgt Rosado modification statement on EEOC Position statement which I believed the first negative working performance statement was created by Detective King (See Exhibit Q Page 12-32)

My first negative evaluation which I received on November 19, 2021(See Exhibit Q) which indicated the file was created by profile without Sgt Rosado modification(See Exhibit Q, Page 12-34), created by profile and I believe the lady statement about officer day was from Detective King statement because Sgt Rosado, Sgt Desantes and Sgt Rodriguez not really chit chat with another department to discussed about the department concern.

Also prior Detective King assigned to central command officer she used to work at patrolling post which required to come to every department and I strongly believed the lady statement about officer Day "the department can't wait for her to retired"was Detective King statement regarding officer Day (See exhibit EEOC DOCS

PAGE 5 and Page 6 and officer day is on the list no. 12) which I met Officer Day and she said she will be retired soon after I was figure it the lady was talking about her which according the lady "the department can't wait for her to retired and department believed it wasted of time to trained me as new female older officer which according to the lady statement that "the department can't wait for her to retired" which they believed I will be the next future of Officer Day because I am now older officer which according to the lady the department can't wait for her to retired because her age cost adverse to the department when she was old and calling sick a lot but Officer Day was started as female Hospital police in the young age and she was getting older according to the lady the department can't wait for her to retired and which I believed I am able to figure it out myself why Detective King acting differently when I remember I was disclose my age to Detective King approximately in August 2021 during locker rooms conversation and our locker was side to side when she said she have 4 grand kids and she was 44 yrs old and when I said "me too"reply to Detective King that I am in that kind of age range" but I don't have kids. Detective King also said before I revealed my age to her that she used to dated one of the guy who used to work for Hospital Police at NYC health+Hospitalbut he transferred to become Correction officer. Me and Detective King locker was side by side and there were 2 small female officers in the HP department but they are young(Officer Sultana and Officer Carerras) but they are young. Officer Sultana(22yrs old) and Officer Carreras probably on her thirties or twentieth.

From this statement made me strongly believed that the first evaluation which I received on November 19 2021 was created by Detective King of my age because Detective King told me that she will put negative performance on my file "it's gonna be on your file". The respondent adding the second evaluation to EEOC respondent statement with Sgt Rosado Modification and try distracted the court that the first evaluation of negative working performance was created by Detective king because second evaluation never given to me while I still worked at the job and Understand the motive why the respondent trying to mislead to alter my negative working performance which I received from Sgt Rosado and Captain Laboy On November 19, 2021 was from Detective King evaluation. (See Exhibit Q, page 12-32)because On November 19, 2021 Sgt Rosado did not said the negative working performance from him they (Sgt Rosado and Captain Laboy) stated the negative working performance was from the "upstairs" when both higher officer said "people Upstairs don't like you and you failed twice and one more time they will get rid off you"

9. Please provide all the documentations you have to defense yourself
10. (See Exhibit eeoc docs, page 5 and Page 6, List No. 12 "Officer Day")Please Provide the information of Officer Day, E information such as how old is she when she was retired and how many time she was called sick during a year and how long she become Hospital Police Officer and what age when she started the position as Hospital Police Officers
11. (See Exhibit eeoc docs, page 5 and Page 6, List No. 12 "Officer Day")Please Provide the Officer Day the time and the dated when she was retired when according the lady statement;

There is another lady who used to work at post 4 main lobby and she is old and she called sick a lots and Department can't wait for her to retired

This statement which leading to my believed my negative working performance was created by Detective King because of my age when my version of negative working performance which I received on November 19, 2021 was create by profile (See Exhibit Q, page 12-36) which without supervisor log-in and the system indicated the file created by "template" and "profile" and second my supervisor evaluation was not given to me which created by respondent and added on position statement (See Exhibit M-65 , Section 9 which respondent submitted on position statement added Sgt Rosado modification see section 9 of respondent modification statement added the supervisor evaluation(See M-65 of Page 2-22) which respondent modified my original negative working performance created by Detective King(Exhibit Q or M-66 of my original file negative working performance) was alter by added modification of Sgt Rosado login which according to the power of the word of respondent position statement the first negative evaluation which it was given to me by Sgt Rosado and Captain Laboy On November 19, 2021 was not drafted by Sgt Rosado The first evaluation on position statement clearly stated that only second evaluation drafted the Sgt Rosado (See Page 7, second paragraph of Position statement EEOC)

Charging party's performance issues did not improve after her first evaluation. A second evaluation was drafted by Rosado for time period of May 3, 2021 –May 2, 2022 but this evaluation was not signed(Exhibit I-second Performance Evaluation)

12. Also Sgt Rosado and Captain Laboy told me the first evaluation was from upstairs not from them which according to Audit History the file was created by Captain Melendez. Sgt Rosado and Captain Melendez told me "People Upstairs don't like you, you failed twice and one more time they will get rid off you)
13. **Please Provide the CCTV camera Footage at central command station on April 9, 2022 approximately at 0458 am- 0530 Am. Please provide the name of the officers who were there**
14. **Please Provide Phone Conversation(Febrianti and Officer Jones) and CCTV video footage (Main Lobby & Central Command office) On April 9, 2022 between Me(Erica Febrianti, Post 4 Main lobby) and Central Command phone(Officer Jones) at 0450 am-0458 am when I asked permission to walk out the post because nobody relieve to pray and Officer Jones said Officer Chapagain on his way meaning no undue hardship right there. I need the CCTV video footage that my post was safe and clear.**
15. Please provide the name and address and occupation of the witness who may appear in court and what she or he will testify for ?
16. **Please Provide Phone Conversation(Erica Febrianti and Officer Martinez) and CCTV video footage On April 9, 2022 approximately between 05:09 AM TO 05:30 AM from the mosque 12th floor phone(Erica Febrianti) with central command phone when officer Martinez when he stated on the phone from the mosque at 12th floor "you need to go upstairs" when radio instructed "10-2" for misconduct praying by calling my badge**

number to called central and when I called central command from the 12th floor mosque I was told to report to Hospital Headquarters for misconduct of praying(Central command officer Martinez) and Central Command Officer Martinez also instructed the Officer at Post 4 Main Lobby on the radio stay permanently meaning my post removed from my assignment and discharge according to Sgt Rodriguez I have to log out at 05:00 am event though I still on the work location at 4:58 am and my prayer time at 05:09 am and the radio keep calling my badge while I was praying

17. Please provide the phone conversation on April 9, 2022 incoming calls and outgoing calls from central command from 04:00 am -0600and include the CCTV camera footage of all officers location
18. Please Provide the CCTV video footage of post 2B and Captain Melendez's approximately on September 2021 –March 2022 approximately at 0645 when when I was called to report to Captain Melendez office to sign the write-up letter because I was abandoned the post in order to relief bathroom urges and when I went there
19. Please Provide CCTV video footage of Rollcall Office Briefing or Field supervisor & Tour commander office on April 9, 2022 Approximately between 0515 am -0600am when I came from Mosque 12th floor and Sgt Rodriguez exit from central command office and enter to the rollcall office briefing (Tour Commander and Field Supervisor office)and this place not Captain Melendez office as per respondent position statement. I did not put my badge on Captain Melendez desk this office belong to Tour Commander and Field supervisor office. Captain Melendez office located on 2 door from the right
20. See Exhibit L-3Please Provide the phone conversation on April 9, 2022 from Ladies Locker rooms at Approximately at 05:15 am--06:30 AM when Officer Jones (Central command request the HAT BADGE from me too when the department was busy to discharge me.
21. Please Provide the CCTV camera Footage On April 9, 2022 approximately around 1230 am-0145 am when Officer Chapagain came to my post and said Sgt Rodriguez instructed him to relief me because Sgt Rodriguez asked me to go to HP Administration to asked me to login to my NYC Health+Hospital account and on the same time Sgt Rodriguez told me my second pick vacation was approved (See Exhibit B-4 and Exhibit B-5)
22. Please provide the CCTV Camera Footage at Tour Commander and field supervisor office(Rollcall Briefing office) On April 9, 2022 approximately around 1230 am-0145 am when Sgt Rodriguez and Captain Laboy was present and Sgt Rodriguez told me he log me out from my NYC Health+Hospitals employee account by mistake and requested to log back in to my NYC Health+Hospital Employee account and on the same time I was told by Sgt Rodriguez thatmy second pick of my vacation was approved(See Exhibit B-4, see exhibit B-5)
23. Please Provide the CCTV camera Footage on April 9, 2022 approximately around 12:20 am to 0145 am when I came from 8th floor Hospital Police headquarters and when I comeback to my post and Officer Chapagain asked me Question "I heard that you will sue the hospital, can you